

EXHIBIT “F”

In The Matter Of:
EDWARD CARTER, ET AL. vs.
INCORPORATED VILLAGE OF OCEAN BEACH, ET AL.

KEVIN LAMM

November 19, 2008

*Precise Court Reporting
200 Old Country Road
Suite 110
Mineola, New York 11501
516-747-9393 718-343-7227 212-581-2570*

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1
2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF NEW YORK
4 -----x
5 EDWARD CARTER, FRANK FIORILLO, KEVIN LAMM,
6 JOSEPH NOFI, and THOMAS SNYDER,
7 Plaintiffs,
8 -against- Case No. 07-Civ-1215
9 (SJF)(ETB)
10 INCORPORATED VILLAGE OF OCEAN BEACH; MAYOR
11 JOSEPH C. LOEFFLER, JR., individually and in
12 his official capacity; former mayor NATALIE
13 K. ROGERS, individually and in her official
14 capacity; OCEAN BEACH POLICE DEPARTMENT;
15 ACTING DEPUTY POLICE CHIEF GEORGE B. HESSE,
16 individually and in his official capacity;
17 SUFFOLK COUNTY; SUFFOLK COUNTY POLICE
18 DEPARTMENT; SUFFOLK COUNTY DEPARTMENT: OF
19 CIVIL SERVICE; and ALISON SANCHEZ,
20 individually and in her official capacity,
21 Defendants.
22 -----x

23 926 Reckson Plaza
24 Uniondale, New York
25
November 19, 2008
10:03 A.M.

18
19 VIDEOTAPE DEPOSITION of KEVIN
20 LAMM, taken pursuant to the Federal Rules of
21 Civil Procedure, and Notice, held at the
22 above-mentioned time and place before Edward
23 Leto, a Notary Public of the State of New
24 York.
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Page 1

Page 3

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2 IT IS HEREBY STIPULATED AND
3 AGREED by and among counsel for the
4 respective parties hereto, that the filing,
5 sealing and certification of the within
6 deposition shall be and the same are hereby
7 waived;
8 IT IS FURTHER STIPULATED AND
9 AGREED that all objections, except to the
10 form of the question, shall be reserved to
11 the time of the trial;
12 IT IS FURTHER STIPULATED AND
13 AGREED that the within deposition may be
14 signed before any Notary Public with the
15 same force and effect as if signed and sworn
16 to by the Court.
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Page 2

Page 4

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2 A P P E A R A N C E S:
3 THOMPSON WIGDOR & GILLY LLP
4 Attorneys for Plaintiffs
5 85 Fifth Avenue
6 New York, New York 10003
7 BY: ANDREW S. GOODSTADT, ESQ.
8 RIVKIN RADLER LLP
9 Attorneys for Defendants
10 Incorporated Village of Ocean
11 Beach, Mayor Joseph C. Loeffler,
12 Jr., former Mayor Natalie K.
13 Rogers, and Ocean Beach Police
14 Department
15 926 Reckson Plaza
16 Uniondale, New York 11556
17 BY: KENNETH A. NOVIKOFF, ESQ.
18
19 MARK, O'NEILL, O'BRIEN & COURTNEY, P.C.
20 Attorneys for Defendant Acting
21 Deputy Police Chief George B.
22 Hesse
23 530 Saw Mill River Road
24 Elmsford, New York 10523
25 BY: KEVIN W. CONNOLLY, ESQ.

1 ALSO PRESENT
2 Albert Santana, Legal Video Specialist
3 Frank Fiorillo
4 Joseph Nofi
5 Thomas Snyder
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1 K. Lamm
2 THE VIDEOGRAPHER: This is tape
3 number one of the videotape deposition
4 of Kevin Lamm in the matter of Edward
5 Carter, et al., Plaintiffs, versus
6 Incorporated Village of Ocean Beach, et
7 al., Defendants, in the United States
8 District Court, Eastern District of New
9 York, case number
10 07-CIV-1215(SJF)(ETB), on November 19,
11 2008, at approximately 10:03 a.m.
12 My name is Albert Santana from
13 the firm of Precise Court Reporting and
14 I'm the legal video specialist. The
15 court reporter is Ed Leto in
16 association with Precise Court
17 Reporting. For the record, will
18 counsels please introduce themselves.
19 MR. NOVIKOFF: On behalf of the,
20 um, Village Defendants, the Ocean Beach
21 Police Department, Mayor Rogers and
22 Mayor Loeffler, both in their
23 individual and official capacities, Ken
24 Novikoff from the law firm of Rivkin
25 Radler.

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| <p>1 K. Lamm 2 MR. CONNOLLY: On behalf of 3 Defendant Acting Police Chief -- Active 4 Deputy Police Chief George B. Hesse, 5 Kevin Connolly of Mark, O'Neill, 6 O'Brien & Courtney. 7 MR. GOODSTADT: Andrew 8 Goodstadt, Thompson, Wigdor & Gilly, on 9 behalf of the Plaintiffs. 10 MR. NOVIKOFF: And just for the 11 record, I believe Mr. Nofi, Mr. Snyder 12 and Mr. Fiorillo are present with you 13 today, correct, Mr. Goodstadt? 14 MR. GOODSTADT: That is 15 correct. 16 MR. NOVIKOFF: Okay. Are we 17 set? 18 THE VIDEOGRAPHER: Now will the 19 court reporter please swear in the 20 witness. 21 K E V I N L A M M, having first been duly 22 sworn by a Notary Public of the State of New 23 York, was examined and testified as follows: 24 EXAMINATION BY 25 MR. NOVIKOFF:</p> | <p>Page 5</p> <p>1 K. Lamm 2 attendance of? 3 A. Maryanne Minerva. 4 Q. Okay. 5 A. And Natalie Rogers. 6 Q. Did you take any notes during 7 Ms. Minerva's deposition? 8 A. I wrote a few things down. 9 Q. Do you -- are you still in 10 possession of those notes? 11 A. No, I'm not. 12 Q. Did you destroy them? 13 A. Yes. 14 Q. When did you destroy them? 15 A. Right after the deposition was 16 over. 17 Q. Why did you take the notes down? 18 MR. GOODSTADT: Objection. 19 This is -- 20 Q. Why did you take the notes down? 21 MR. GOODSTADT: Objection. 22 Don't -- don't answer. This is a -- a 23 privilege question. He took them at 24 our request for our use in preparation 25 for --</p> |
| <p>1 K. Lamm 2 THE COURT REPORTER: Please 3 state your name for the record. 4 THE WITNESS: Kevin Lamm. 5 THE COURT REPORTER: Please 6 state your address. 7 THE WITNESS: 1066 Cassel 8 Avenue, Bay Shore, New York. 9 THE COURT REPORTER: Spell it, 10 please, the street. 11 THE WITNESS: C-A-S-S-E-L, 12 Avenue. 13 THE COURT REPORTER: Try to keep 14 your voice up, please. 15 Q. Who, if anyone, resides with you 16 at your present address? 17 A. My mother. 18 Q. Were you in attendance at the 19 deposition taken by your counsel yesterday 20 of Mr. Pat Cherry? 21 A. No, I was not. 22 Q. Were you in attendance at any of 23 the depositions? 24 A. Yes, I was. 25 Q. Which depositions were you in</p> | <p>Page 6</p> <p>1 K. Lamm 2 MR. NOVIKOFF: Well, that's 3 what I thought until he said he 4 destroyed them at the end. I don't 5 think it's privileged if your client 6 takes notes down during a deposition, 7 but -- 8 MR. GOODSTADT: If they're 9 not -- 10 MR. NOVIKOFF: Look, I 11 understand you're objecting on the 12 basis of privilege. 13 MR. GOODSTADT: I am. 14 MR. NOVIKOFF: Okay. Fine. 15 Q. Did you take any notes at 16 Ms. Rogers' deposition? 17 A. No, I didn't. 18 Q. Okay. So the only notes you took 19 were during Ms. Minerva's deposition? 20 A. Yes. 21 Q. Okay. Now I note that you're 22 wearing a tie today. Did you wear a tie 23 when you were present at Ms. Minerva's 24 deposition? 25 MR. GOODSTADT: Objection.</p> |

| Page 9 | Page 11 |
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| <p>1 K. Lamm 2 A. No, I didn't. 3 Q. What's that? 4 A. No, I didn't. 5 Q. Did you wear a tie when you were 6 present at Ms. Rogers' deposition? 7 MR. GOODSTADT: Objection. 8 A. No, I didn't. 9 Q. Okay. And you were aware today 10 that you were going to be videotaped for 11 your deposition, correct? 12 A. Yes. 13 Q. Did you review the Complaint that 14 has been filed in this action prior to it 15 being filed? 16 A. Yes. 17 Q. For what purpose did you review 18 the Complaint? 19 A. To read over what was in there, 20 what we stated. 21 Q. And would it be fair to say, sir, 22 that you read over the Complaint to make 23 sure that to the extent you had knowledge of 24 the allegations, that they were accurate? 25 A. Yes.</p> | <p>1 K. Lamm 2 Q. Okay. Now do you recall alleging 3 a claim in this case of tortious 4 interference with a prospective business 5 relationship under New York law? 6 A. I don't understand. Can you -- 7 Q. Do you -- do you -- are you aware 8 as you sit here today that you've made 9 certain claims against the Defendants in 10 this case, correct? 11 A. Yes. 12 Q. And you're aware that you've 13 claimed that your 14th Amendment due process 14 rights have been violated, do you -- do you 15 understand that? 16 A. Yes. 17 Q. Do you understand that you've 18 claimed that your 14th Amendment liberty 19 interest claims -- rights had been 20 violated? 21 A. Yes. 22 Q. Do you understand that you've 23 claimed in this case that your 1st Amendment 24 rights have been violated? 25 MR. GOODSTADT: Objection.</p> |
| Page 10 | Page 12 |
| <p>1 K. Lamm 2 Q. And would you agree with me that 3 it would be important that you -- that 4 allegations for which you had knowledge of 5 were not misrepresented in the Complaint? 6 MR. GOODSTADT: Objection. 7 A. Correct. 8 Q. And would you agree with me that 9 it would be important that with regard to 10 information that you had knowledge of, that 11 the information was truthful in the 12 Complaint, correct? 13 MR. GOODSTADT: Objection. 14 A. Correct. 15 Q. Without giving me any substance 16 of conversations between you and your 17 counsel, did you authorize your attorney to 18 file the Complaint on your behalf? 19 A. Yes. 20 Q. Would it be fair to say that 21 everything that you reviewed in the 22 Complaint, that at least you had knowledge 23 of, was accurate, to the best of your 24 recollection? 25 A. Yes.</p> | <p>1 K. Lamm 2 A. Yes. 3 Q. Okay. And you've made various 4 other claims in this case, would you agree 5 with me? 6 A. Yes. 7 Q. Okay. Now one of the claims in 8 the Complaint says -- is labeled "tortious 9 interference with a prospective business 10 relationship under New York law." My 11 question to you is, do you recall that that 12 is a claim in this case that you've alleged 13 against some or all of the Defendants? 14 A. Can you define what you mean by 15 "business"? 16 Q. No, sir, because this is your 17 allegation. So my question to you is -- I'm 18 not asking you to define anything. I'm 19 asking you, do you recall alleging that as a 20 claim in this case? If you don't recall, 21 then you don't recall. That's fine, too. 22 A. I recall something to that 23 effect. 24 Q. Okay. What new employment were 25 you scheduled to commence shortly after you</p> |

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| <p>1 K. Lamm 2 were not rehired by the Ocean Beach Police 3 Department in or about April of 2006? 4 A. I was processing for the Suffolk 5 County Police Department. 6 Q. Is that the only employment that 7 you were scheduled to commence shortly after 8 the April 2006 time period? 9 A. No. There were other town and 10 village police agencies that also sent out 11 canvas letters that I responded to. 12 Q. What other town and municipal 13 agencies I believe you testified to did you 14 send out that you received canvas letters 15 from? 16 A. Southampton Town Police, 17 Southampton Village Police, Huntington Bay 18 Police, Lloyd Harbor Police. 19 Q. Anything else? 20 A. I believe that is all. 21 Q. Okay. Let's start with the 22 Suffolk County Police Department. You -- 23 you just indicated I believe, and if I'm 24 wrong, please tell me, that you were in the 25 process of seeking employment with the</p> | <p>Page 13</p> <p>1 K. Lamm 2 Individualization. Memorization. 3 Q. Did you pass the test? 4 A. Yes, I did. 5 Q. Do you know what score you got? 6 A. 92.5. 7 Q. Okay. And do you know, was there 8 a list that you appeared on with regard to 9 eligible employees for the Suffolk County 10 Police Department? 11 A. Yes, there was. 12 Q. And can you describe what that 13 list is? 14 A. It's your number of ranking. 15 Q. And do you know who puts out that 16 list? 17 A. Suffolk County Civil Service. 18 Q. And did you receive a copy of 19 that list? 20 A. Yes. 21 Q. After you took the test and 22 passed it? 23 A. Not the list. Just what my list 24 number was. 25 Q. Okay. And what was your list</p> |
| <p>1 K. Lamm 2 Suffolk County Police Department; is that 3 correct? 4 MR. GOODSTADT: Objection. 5 A. Yes. 6 Q. What did you mean by "process"? 7 A. Going through the processing as 8 far as backgrounds, their agility, medical. 9 Q. Did you have to take a test in 10 order to apply for the Suffolk County Police 11 Department? 12 A. A written test. 13 Q. Okay. When did you take that 14 written test? 15 A. I believe it was in the year of 16 2003. 17 Q. Okay. When in 2003? 18 A. I believe it was either May or 19 June. 20 Q. What type of written test did you 21 have to take in May or June of 2003? 22 A. Police test. 23 Q. Can you describe what that police 24 test is? 25 A. Reading comprehension test.</p> | <p>Page 14</p> <p>1 K. Lamm 2 number? 3 A. I believe it was 303 or it was 4 313. I believe 303. 5 Q. Okay. And when did you receive 6 that document that listed you as either 303 7 or 313? 8 A. I believe somewhere close to 9 or -- the year 2004 or just before 2004 in 10 the wintertime. 11 Q. Okay. When you say just 12 before -- so the winter of 2003 you may have 13 received the list? 14 A. Right. Or it could have been 15 just when it turned 2004. 16 Q. Okay. And what understanding, if 17 any, did you have with regard to the 18 significance of either the 303 or the 313 19 listing? 20 MR. GOODSTADT: Objection. 21 A. Can you please repeat -- 22 Q. Yeah. Sure. I'll rephrase the 23 question. Do you have an understanding as 24 to what 303 or 313 meant with regard to your 25 application?</p> |

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| <p>1 K. Lamm 2 A. That is your rank number. 3 Q. And what does that mean in 4 regard -- with regard to your application? 5 A. That I was 303 on the list of 6 band score. 7 Q. Would I be correct then in 8 understanding your answer to mean that at 9 least according to your understanding, they 10 had to -- Suffolk County had to offer 302 11 people the job first before they got to you? 12 A. That's not accurate. 13 Q. Okay. What aspect of my 14 statement was inaccurate? 15 A. That the score was band scored, 16 meaning that anybody that got the same grade 17 as me, also received the same list number as 18 me. 19 Q. Okay. So there could have been 20 more than one person with 303? 21 A. There could have been more than 22 one person with a 92 and a half or 303. 23 Q. So, theoretically, there could 24 have been more than 302 individuals who had 25 to be offered the job before it got to you;</p> | <p>1 K. Lamm 2 application? 3 A. The Suffolk -- not the Suffolk 4 County Police Department. 5 Q. That's my question. 6 A. Right. 7 Q. Did any other agency communicate 8 with you, in 2004, concerning your 9 application? 10 A. Suffolk County Civil Service 11 communicated before any department. 12 Q. Okay. And now I'm only talking 13 about in 2004. What communication did you 14 receive from the Suffolk County Civil 15 Service Department concerning the test that 16 you took in 2003? 17 A. If I was interested in any other 18 police jobs working for any other villages 19 or -- or towns. 20 Q. Okay. Well, in this 21 communication 2004, did they specifically 22 ask you any questions concerning your 23 interest in the Suffolk County Police 24 Department job? 25 A. No.</p> | |
| <p>1 K. Lamm 2 is that correct? 3 MR. GOODSTADT: Objection. 4 A. It could have been, but by the 5 time you get through process of elimination, 6 it could be less. 7 Q. Why could it be less? 8 A. 'Cause some people may not meet 9 the standards or fail out on another part of 10 it. 11 Q. Okay. Got it. But if I 12 understand, at least at the time that you 13 first received this document, theoretically, 14 there could have been more than 302 people 15 who could have been asked to take the job 16 before you? 17 MR. GOODSTADT: Objection. 18 A. Could have been or it could have 19 been less. 20 Q. Okay. Got it. Did your number 21 ever change, to your knowledge? 22 A. Not that I'm aware of. 23 Q. Okay. Now in 2004, did the 24 Suffolk County Police Department ever 25 communicate with you concerning your</p> | <p>Page 18</p> <p>1 K. Lamm 2 Q. Okay. So my question is -- was 3 specific, sir. In 2004, did the Suffolk 4 County Civil Service Department communicate 5 with you concerning your interest in the 6 Suffolk County Police Department job? 7 A. No. 8 Q. Okay. Did any other agency, in 9 2004, communicate with you concerning your 10 interest in the Suffolk County Police 11 Department job? 12 A. Other agencies did send letters, 13 but it doesn't refer to Suffolk County 14 Police. 15 Q. That's what -- all I'm asking. 16 Then in 2005, did any entity or agency 17 contact you with regard to your interest in 18 the Suffolk County Police Department job? 19 A. No. 20 Q. Okay. In 2006 now, and 21 specifically before April 2, 2006, did any 22 entity contact you with regard to your 23 interest in the Suffolk County Police 24 Department job? 25 A. In 2006?</p> | Page 20 |

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| <p>1 K. Lamm</p> <p>2 Q. Yes. Prior to April 2, 2006?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. Just don't tell me what,</p> <p>5 just tell me who, what entity contacted you</p> <p>6 before April 2, 2006?</p> <p>7 A. Suffolk County Police Department.</p> <p>8 Q. And what did they communicate to</p> <p>9 you concerning your interest in the Suffolk</p> <p>10 County Police Department job?</p> <p>11 A. They wanted to know if I was</p> <p>12 interested in a position.</p> <p>13 Q. Okay. Was there any -- was this</p> <p>14 communication in writing or verbal?</p> <p>15 A. It was in writing.</p> <p>16 Q. Okay. Was there anything else on</p> <p>17 this written communication from the Suffolk</p> <p>18 County Police Department, other than what</p> <p>19 you've just testified to?</p> <p>20 A. I don't believe so. Just how to</p> <p>21 return the letter.</p> <p>22 Q. Okay. And did you -- do you know</p> <p>23 when this letter came to you?</p> <p>24 A. For certain I don't.</p> <p>25 Q. Do you know what month?</p> | <p>1 K. Lamm</p> <p>2 A. I took a Suffolk County Sheriff's</p> <p>3 test.</p> <p>4 Q. Okay. I'll withdraw the</p> <p>5 question. I was unclear. Now I'm just</p> <p>6 focusing on the Suffolk County Police</p> <p>7 Department job. Between the written test</p> <p>8 that you took in 2003 and March 2006, did</p> <p>9 you take any other test specifically for the</p> <p>10 Suffolk County Police Department job?</p> <p>11 A. No.</p> <p>12 Q. Okay. Subsequent to this March</p> <p>13 2006 communication that you've just</p> <p>14 addressed in response to one of my</p> <p>15 questions, when was the next communication,</p> <p>16 if any, that you received from the Suffolk</p> <p>17 County Police Department concerning your</p> <p>18 interest in a job with them?</p> <p>19 A. I believe the next step was I</p> <p>20 got -- I got a letter to appear for an</p> <p>21 agility test.</p> <p>22 Q. When did you get that letter?</p> <p>23 A. Towards the end of March I</p> <p>24 believe.</p> <p>25 Q. Of 2006?</p> |
| <p>1 K. Lamm</p> <p>2 A. Maybe the month of March.</p> <p>3 Q. Okay. And did you return the</p> <p>4 letter?</p> <p>5 A. Yes, I did.</p> <p>6 Q. Okay. And up until April 2,</p> <p>7 2006, the only test that you took with</p> <p>8 regard to the Suffolk County Police</p> <p>9 Department job that you desired was this</p> <p>10 written test in 2003; is that correct?</p> <p>11 A. Define what you mean by "only</p> <p>12 test."</p> <p>13 Q. Well, I asked you specifically,</p> <p>14 sir, what test did you take with regard to</p> <p>15 this -- with regard to the Suffolk County</p> <p>16 Police Department job, and you testified a</p> <p>17 written test in 2003.</p> <p>18 A. That was their test they gave.</p> <p>19 Q. That's right. Did you undertake</p> <p>20 any other test, between the written test in</p> <p>21 2003 and the March letter from Suffolk</p> <p>22 County Police Department, concerning your</p> <p>23 interest in the Suffolk County Police</p> <p>24 Department job?</p> <p>25 MR. GOODSTADT: Objection.</p> | <p>1 K. Lamm</p> <p>2 A. That's correct.</p> <p>3 Q. Okay.</p> <p>4 A. Approximately.</p> <p>5 RQ MR. NOVIKOFF: All right. And</p> <p>6 again, Andrew, to the extent that this</p> <p>7 hasn't been produced, and I'm not</p> <p>8 suggesting it hasn't been, we call for</p> <p>9 the production of all communications</p> <p>10 from the Suffolk County Police</p> <p>11 Department concerning his application.</p> <p>12 MR. GOODSTADT: Take it under</p> <p>13 advisement. Send us a letter</p> <p>14 afterwards.</p> <p>15 MR. NOVIKOFF: Absolutely.</p> <p>16 Q. Did the Suffolk County Police</p> <p>17 Department ask you to respond in any manner</p> <p>18 to this communication in March concerning an</p> <p>19 agility test?</p> <p>20 A. Yes. I had to appear for an</p> <p>21 agility test.</p> <p>22 Q. Okay. And did you schedule a --</p> <p>23 a date for this agility test?</p> <p>24 A. They scheduled it.</p> <p>25 Q. Okay. And when was this</p> |

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| <p>1 K. Lamm 2 scheduled for? 3 A. April 7. 4 Q. April 7. And did you undertake 5 the agility test? 6 A. Yes, I did. 7 Q. Did you pass the agility test? 8 A. Yes, I did. 9 Q. Okay. What was the next 10 communication, if any, that you received 11 from the Suffolk County Police Department 12 concerning your interest in a job with them 13 after the communication concerning you 14 taking an agility test? 15 A. I believe it was for a 16 orientation. 17 Q. When you say you believe it was 18 for an orientation, what do you mean by 19 "orientation"? 20 A. Where we would have to go to the 21 police academy and they would explain to us 22 some specifics about the job and -- and 23 prepare for a background investigation. 24 Q. Okay. And when did you receive 25 this communication?</p> | <p>Page 25</p> <p>1 K. Lamm 2 A. Yes. 3 Q. Okay. And how did they -- how 4 did the Suffolk County Police Department 5 advise you right then and there? 6 A. After you completed a battery of 7 tests, you would just go on to the next one. 8 Q. Okay. Did anyone advise you 9 verbally on that day that you passed the 10 agility test? 11 A. Yes. 12 Q. That's what I'm asking. Who? 13 A. The academy instructors. 14 Q. And do you know the academy 15 instructors' names? 16 A. No. I don't know who it was. 17 Q. Okay. So between the agility 18 test and the date that you appeared for the 19 orientation, did you receive any 20 communications from the Suffolk County 21 Police Department concerning your interest 22 in a job with them? 23 A. Not at that time. 24 Q. That's all I'm asking, was that 25 period of time. How long was the</p> |
| <p>1 K. Lamm 2 A. It was I believe -- actually, 3 after we finished the agility test, we had 4 to, as we were leaving, we signed a piece of 5 paper as to what day or -- what day we were 6 to appear for orientation. 7 Q. Okay. And what day did you -- 8 well, did you appear for orientation? 9 A. Yes, I did. 10 Q. And what day was that? 11 A. The exact day I -- I don't 12 remember. 13 Q. What month and year? 14 A. It was in 2006. The month -- 15 I'm not certain of the month. 16 Q. What season? 17 A. I believe it was springtime. 18 Q. Okay. 19 A. Late spring. 20 Q. Late spring. So -- okay. And 21 when did you receive word that you passed 22 the agility test? 23 A. I knew right then and there. 24 Q. They advised you right then and 25 there that you passed the agility test?</p> | <p>Page 26</p> <p>1 K. Lamm 2 orientation session? 3 A. Few hours. 4 Q. Okay. And did you have to fill 5 out any forms during the -- the orientation 6 session? 7 A. Yes, I did. 8 Q. What forms did you have to fill 9 out? 10 A. Name, date of birth. Some basic 11 things like that. They gave us paperwork. 12 Q. Did you have to fill out any 13 paperwork concerning your prior employment 14 history with Ocean Beach? 15 A. Yes. 16 Q. And do you recall what questions 17 they asked you about your prior employment 18 history with Ocean Beach? 19 A. I believe they asked for how long 20 I worked there. 21 Q. Okay. Do you recall anything 22 else that they asked concerning your -- your 23 employment history with Ocean Beach? 24 A. If we -- they asked if we 25 currently still, you know, worked there.</p> |

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| Page 29 | Page 31 |
| <p>1 K. Lamm</p> <p>2 Q. And what answer did you give?</p> <p>3 A. No.</p> <p>4 Q. Okay. Did they ask a reason?</p> <p>5 Well, withdrawn. Did they ask you to</p> <p>6 explain the reason why you no longer worked</p> <p>7 there?</p> <p>8 A. Yes.</p> <p>9 Q. And what was the reason that you</p> <p>10 gave?</p> <p>11 A. 'Cause I was fired for budget</p> <p>12 cuts.</p> <p>13 Q. Did you say "fired"? Did you use</p> <p>14 the word "fired"?</p> <p>15 A. I -- I believe I did.</p> <p>16 Q. And did they ask you to give any</p> <p>17 further detail, other than the explanation</p> <p>18 that you were fired for budget reasons?</p> <p>19 A. No.</p> <p>20 Q. Okay. Did they ask you for any</p> <p>21 recommendations or -- I'm sorry. Withdrawn.</p> <p>22 Did they ask you for any references</p> <p>23 concerning your job with the Ocean Beach</p> <p>24 Police Department?</p> <p>25 A. No.</p> | <p>1 K. Lamm</p> <p>2 A. That was written.</p> <p>3 Q. Was there anything else on that</p> <p>4 document that -- anything on that document</p> <p>5 other than that you had to appear for a</p> <p>6 medical?</p> <p>7 MR. GOODSTADT: Objection.</p> <p>8 A. No.</p> <p>9 Q. Okay. And when did you appear</p> <p>10 for this medical?</p> <p>11 A. I guess towards the beginning of</p> <p>12 the summer.</p> <p>13 Q. Of 2006?</p> <p>14 A. 2006.</p> <p>15 Q. Did you ever -- were you ever</p> <p>16 advised by the Suffolk County Police</p> <p>17 Department that you passed whatever medical</p> <p>18 test they gave you?</p> <p>19 A. Yes, I did pass.</p> <p>20 Q. And they advised you of this?</p> <p>21 A. Yes, they did.</p> <p>22 Q. When did they advise you of this?</p> <p>23 A. Maybe a week and a half after.</p> <p>24 Q. Okay. And did they advise you of</p> <p>25 this in writing?</p> |
| Page 30 | Page 32 |
| <p>1 K. Lamm</p> <p>2 Q. Did you provide any references to</p> <p>3 them on the date of this orientation</p> <p>4 concerning your employment with the Ocean</p> <p>5 Beach Police Department?</p> <p>6 A. No.</p> <p>7 Q. Okay. So we are now at the point</p> <p>8 in time of the orientation. When was the</p> <p>9 next communication, if any, that you</p> <p>10 received from Suffolk County Police</p> <p>11 Department concerning your interest in a job</p> <p>12 with them?</p> <p>13 A. After the paperwork was submitted</p> <p>14 in, I think it was two weeks after that.</p> <p>15 Q. Okay.</p> <p>16 A. After -- the paperwork was due</p> <p>17 two weeks after the date of orientation, and</p> <p>18 maybe within another month I had to appear</p> <p>19 for a medical.</p> <p>20 Q. Okay. And did you appear for --</p> <p>21 did you in fact appear for the medical?</p> <p>22 A. Yes, I did.</p> <p>23 Q. Okay. This communication about</p> <p>24 you appearing for a medical, was that verbal</p> <p>25 or was that written?</p> | <p>1 K. Lamm</p> <p>2 A. Yes, they did.</p> <p>3 Q. Okay. Now between the</p> <p>4 orientation -- withdrawn. No. Between the</p> <p>5 orientation and the date that you were</p> <p>6 advised that you passed the medical test,</p> <p>7 did you receive any other communications</p> <p>8 from the Suffolk County Police Department,</p> <p>9 other than what you've just testified to?</p> <p>10 MR. GOODSTADT: Objection.</p> <p>11 A. Yes.</p> <p>12 Q. What did you receive?</p> <p>13 A. I had to appear for a</p> <p>14 psychological.</p> <p>15 Q. Okay. Well, I assume when you</p> <p>16 said "medical," that was both physical</p> <p>17 and --</p> <p>18 A. No.</p> <p>19 Q. -- and mental. But that's fine.</p> <p>20 What did they ask you with regard to you --</p> <p>21 your requirement to appear for a</p> <p>22 psychological test in this written</p> <p>23 communication?</p> <p>24 A. I had to appear for a written</p> <p>25 psychological.</p> |

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| <p style="text-align: right;">Page 33</p> <p>1 K. Lamm 2 Q. A written psychological test? 3 A. Yes. 4 Q. And did you appear for a written 5 psychological test? 6 A. Yes, I did. 7 Q. When did you do that? 8 A. I believe it was sometime in the 9 month of June of 2006. 10 Q. Okay. And did you ever receive 11 word from the Suffolk County Police 12 Department that you passed the written 13 psychological test? 14 A. There was two phases to that 15 test. 16 Q. Okay. Well -- well, describe the 17 two phases to the test, and then I'll be 18 able to ask you more pointed questions. 19 MR. GOODSTADT: Objection. 20 A. After the written test, you had 21 to be scheduled for an oral. 22 Q. Okay. So let's stick with the 23 written test. When did you take the written 24 test? 25 A. I believe it was sometime at the</p> | <p style="text-align: right;">Page 35</p> <p>1 K. Lamm 2 Q. When did you receive this letter? 3 A. Approximately two days after I 4 appealed it, when I went in for an appeal. 5 MO Q. You just mentioned that you 6 appealed something. My question to you, 7 sir, is -- I'm going to move as 8 nonresponsive. You took a psychological 9 written test and oral psychological test, 10 correct? 11 A. Correct. 12 Q. And that was required by the 13 Suffolk County Police Department? 14 A. That is correct. 15 Q. And I believe you testified that 16 you took this in the June 2006 time period, 17 correct? 18 A. That's correct. 19 Q. Did there come a time that you 20 were advised by the Suffolk County Police 21 Department that you had failed either or 22 both of these tests? 23 A. Yes, there was. 24 Q. Okay. Give me the date in which 25 you were advised by the Suffolk County</p> |
| <p style="text-align: right;">Page 34</p> <p>1 K. Lamm 2 beginning of June 2006. 3 Q. Now did you ever receive word 4 from the Suffolk County Police Department 5 that you passed the written psychological 6 test? 7 A. They don't do it separated. They 8 do it altogether. 9 Q. Okay. When did you take the oral 10 psychological test? 11 A. I believe it was a week or two 12 weeks after the written. 13 Q. Okay. So we're still in either 14 the June 2006 or early July 2006 time 15 period, correct? 16 A. It would -- I would say June. 17 Q. Okay. That's fine. Did you ever 18 receive communication that -- from the 19 Suffolk County Police Department that you 20 failed either of those psychological tests 21 that you've just described? 22 A. Yes, I did. 23 Q. Okay. What were you -- what was 24 communicated to you? 25 A. A letter.</p> | <p style="text-align: right;">Page 36</p> <p>1 K. Lamm 2 Police Department of your failure. 3 A. Suffolk County Police Department 4 didn't advise me. It's Suffolk County Civil 5 Service that advises me. 6 Q. Okay. So then your answer to me 7 would have been no, the Suffolk County 8 Police Department never advised me. So 9 that's fine. Let stick with the Suffolk -- 10 A. I was just making it clear. 11 Q. I appreciate that. When did the 12 Suffolk County Civil Service Department 13 advise you that you had failed either or 14 both of the psychological tests that you've 15 just described? 16 A. Approximately within two days 17 after. 18 Q. Okay. So we're still in either 19 the June 2006 time period or early July 2006 20 time period, correct? 21 A. I would say June. 22 Q. And how did the Suffolk County 23 Police Department advise you of your 24 failure? 25 A. They didn't.</p> |

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1 K. Lamm
 2 Q. I'm sorry, withdrawn. How did
 3 the Suffolk County Civil Service Department
 4 advise you of your failure?
 5 A. Letter.
 6 Q. Okay. Do you have that letter
 7 still in your possession?
 8 A. The letter is with the attorneys.
 9 RQ MR. NOVIKOFF: Okay. I call
 10 for the production of this, and I'll
 11 follow it up with a letter, of all
 12 communications involving the Suffolk
 13 County Police Department application,
 14 to the extent it hasn't been produced,
 15 and again, we'll search -- we'll search
 16 to see if it has been.
 17 MR. GOODSTADT: It's our
 18 position that we have produced every
 19 document that's responsive to discovery
 20 requests that have been served in this
 21 case. You said that you want to follow
 22 up in writing, we'll be happy to take
 23 it under advisement.
 24 MR. NOVIKOFF: You got it.
 25 Q. What tests or -- well, did you

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1 K. Lamm
 2 Q. Okay. You understand me now?
 3 A. Now I do.
 4 Q. Did you graduate college?
 5 A. No.
 6 MR. GOODSTADT: Objection.
 7 Q. How many -- how many years of
 8 college did you have?
 9 A. Don't have any college.
 10 Q. You never spent a day in college?
 11 A. Never spent a day in college.
 12 Q. Did you graduate high school?
 13 A. Yes.
 14 Q. What high school did you
 15 graduate?
 16 A. West Islip.
 17 Q. West Islip. Okay. Let's get
 18 back to the Suffolk County Civil Service
 19 Department communication to you. In this
 20 letter, did they say anything else, other
 21 than you were not qualified?
 22 A. No.
 23 Q. Okay. What did you do, if
 24 anything, once you received this letter from
 25 the Suffolk County Civil Service Department

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1 K. Lamm
 2 fail both tests?
 3 A. It doesn't say.
 4 Q. It just says you failed?
 5 A. It just says not qualified.
 6 Q. Okay. So the Suffolk County
 7 Civil Service Department sent you a letter
 8 within two weeks after your psychological
 9 test indicating that you were not qualified;
 10 is that correct?
 11 A. Which test?
 12 Q. The psychological test.
 13 A. Which one?
 14 Q. You said you took both.
 15 A. Which one are you referring to?
 16 Q. Sir, I'll withdraw the question
 17 and I'll ask you this again. The Suffolk
 18 County Civil Service Department sent you a
 19 communication after you took both the verbal
 20 and the written psychological test, correct?
 21 A. Correct.
 22 Q. And that was within a couple of
 23 weeks of you taking both of those tests,
 24 correct?
 25 A. That's correct.

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1 K. Lamm
 2 indicating that you were not qualified?
 3 A. Well, as I told you, I did appeal
 4 it and go for a re -- a re-test there.
 5 Q. Okay. How did you know to appeal
 6 it?
 7 A. Well, actually, on one of the
 8 letters asked if I would be interested in an
 9 appeal, so I did.
 10 Q. Okay. And what did you have to
 11 do in order to appeal?
 12 A. I had to just show up again.
 13 Q. Okay. Did you contact -- well,
 14 where did you have to show up?
 15 A. Civil Service.
 16 Q. Okay. Did you have to contact
 17 the Civil Service Department in order to
 18 schedule a time to appeal?
 19 A. I sent a letter in that I would
 20 appeal and they sent me the date back.
 21 Q. Okay. And when was the date that
 22 they sent back?
 23 A. It was kind of quick. Within --
 24 within maybe a week.
 25 Q. Okay. And did you have to submit

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| <p>1 K. Lamm</p> <p>2 any type of documentation in order to</p> <p>3 appeal?</p> <p>4 A. I didn't have to.</p> <p>5 Q. That's what -- that's what I'm</p> <p>6 asking you. Did you have to?</p> <p>7 A. I didn't have to.</p> <p>8 Q. Okay. Did you?</p> <p>9 A. No.</p> <p>10 Q. Okay. And who did you see, if</p> <p>11 anyone, on the date that you appeared for</p> <p>12 your appeal?</p> <p>13 MR. GOODSTADT: Objection.</p> <p>14 A. I'm not positive of the</p> <p>15 examiner's name, but I would believe it was</p> <p>16 a Mr. Stone, and there was another man there</p> <p>17 from Civil Service named Stanley Pelc.</p> <p>18 Q. Okay. Had you ever met Mr. Pelc</p> <p>19 before?</p> <p>20 A. I've seen him before. Not</p> <p>21 personally met him.</p> <p>22 Q. Okay. Where did you see Mr. Pelc</p> <p>23 before?</p> <p>24 A. At other tests that I've taken</p> <p>25 there.</p> | <p>Page 41</p> <p>1 K. Lamm</p> <p>2 psychological?</p> <p>3 A. The end of June of 2005.</p> <p>4 Q. For what purpose?</p> <p>5 A. For a job where I currently am</p> <p>6 now.</p> <p>7 Q. Which job was that?</p> <p>8 A. Airport security.</p> <p>9 Q. Okay. Now did you, prior to you</p> <p>10 meeting with these two gentlemen, ask anyone</p> <p>11 at the Suffolk County Civil Service</p> <p>12 Department as to why you were not qualified?</p> <p>13 A. They wouldn't -- they don't</p> <p>14 give --</p> <p>15 Q. No. No. My question to you is,</p> <p>16 did you ask?</p> <p>17 A. Yes, I did.</p> <p>18 Q. Okay. Who did you ask, again,</p> <p>19 between the time that you were advised that</p> <p>20 you were not qualified and the time that you</p> <p>21 met with these two gentlemen, Mr. Stone and</p> <p>22 Mr. Pelc?</p> <p>23 MR. GOODSTADT: Objection.</p> <p>24 A. Repeat it again, please.</p> <p>25 Q. Sure. Between the time that you</p> |
| <p>1 K. Lamm</p> <p>2 Q. Okay. And Mr. Stone, had you</p> <p>3 ever met Mr. Stone before?</p> <p>4 A. No.</p> <p>5 Q. Okay. He was not the person</p> <p>6 that -- that did the first test or tests of</p> <p>7 you for your psychological, was he?</p> <p>8 MR. GOODSTADT: Objection.</p> <p>9 A. No, he wasn't.</p> <p>10 Q. Okay. And when you say -- when</p> <p>11 you met Mr. Pelc and Mr. Stone, what</p> <p>12 occurred, if anything, during this meeting?</p> <p>13 MR. GOODSTADT: Objection.</p> <p>14 A. First thing I asked was that I</p> <p>15 didn't realize I had to take another</p> <p>16 psychological because I had already taken</p> <p>17 one within a year's time.</p> <p>18 Q. Who said this?</p> <p>19 A. I did. I asked that.</p> <p>20 Q. Okay. What specifically did you</p> <p>21 ask of these gentlemen?</p> <p>22 A. I asked them if -- if I did have</p> <p>23 to take that psychological over because I</p> <p>24 had one taken prior within a year's time.</p> <p>25 Q. When did you take the prior</p> | <p>Page 42</p> <p>1 K. Lamm</p> <p>2 were advised that you were not qualified by</p> <p>3 the Civil Service Department and the time</p> <p>4 that you met with Mr. Stone and Mr. Pelc,</p> <p>5 who did you ask why you were not qualified?</p> <p>6 MR. GOODSTADT: Objection.</p> <p>7 A. They were -- they were both there</p> <p>8 in the room. I asked why I couldn't be</p> <p>9 found -- why I wasn't qualified.</p> <p>10 Q. Okay. Now my question, sir, is</p> <p>11 before you went to this meeting with these</p> <p>12 two gentlemen, did you ask anybody else at</p> <p>13 the Suffolk County Civil Service Department</p> <p>14 why you were not qualified?</p> <p>15 A. No.</p> <p>16 Q. Did you ask anyone else at</p> <p>17 Suffolk County Police Department why you</p> <p>18 were not qualified?</p> <p>19 A. No, I did not.</p> <p>20 Q. Okay. So when you fir -- when</p> <p>21 you went into this room --</p> <p>22 A. Excuse me.</p> <p>23 Q. Sure.</p> <p>24 A. I just want to get a drink of</p> <p>25 water.</p> |

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| <p>1 K. Lamm 2 Q. Sure. Absolutely. 3 A. Thank you. Excuse me. 4 Q. You -- did you ask these two 5 gentlemen when you met with them, why you 6 were found not to be qualified? 7 A. Yes, I did ask. 8 Q. Okay. And when in -- in relation 9 to the beginning of this meeting did you ask 10 these two gentlemen that question? 11 MR. GOODSTADT: Objection. 12 A. Somewhere towards the beginning, 13 middle. 14 Q. Okay. And did they respond to 15 your question? 16 A. They just said after, you know, 17 we review this, you'll get your answer. 18 Q. When they said they review this, 19 do you -- do you know what they were 20 referring to? 21 A. I believe it was after the 22 interview. 23 Q. Okay. So they didn't tell you 24 why you were initially found not to be 25 qualified when you asked them that question?</p> | <p>Page 45</p> <p>1 K. Lamm 2 meeting, other than the question as to why 3 you were not qualified? 4 MR. GOODSTADT: Objection. 5 He's already testified to another 6 question he asked as well. 7 MR. NOVIKOFF: Okay. Then 8 fine. 9 Q. You -- I recall you saying that 10 you weren't -- you asked a question as to 11 why you were not qualified. What other 12 questions did you ask of these gentlemen? 13 MR. GOODSTADT: In addition to 14 what he's already testified to? 15 MR. NOVIKOFF: I don't recall 16 what he testified to, so I don't want 17 to put words in his mouth or 18 mischaracterize his testimony. 19 Q. So, therefore, I'm asking you -- 20 MR. GOODSTADT: That's a 21 change. A change for the better now. 22 MR. NOVIKOFF: Oh, thank you so 23 much. 24 Q. I recall that you just testified 25 that you asked these gentlemen why you were</p> |
| <p>1 K. Lamm 2 A. No, they didn't. 3 Q. Okay. Now what, if anything, 4 did -- did -- well, did you have to take any 5 tests during this meeting with these two 6 gentlemen? 7 A. They just asked me a few 8 questions, and they're basically the same 9 thing they did when I first went. 10 Q. How long was this meeting with -- 11 with these two gentlemen? 12 A. Not very long. 13 Q. 10 minutes? 14 A. Maybe 15. 15 Q. Okay. And -- and your first 16 psychological test, the written test, how 17 long was that? 18 A. Several hours. 19 Q. And the verbal part of the 20 psychological, how long was that? 21 A. The first time? 22 Q. Yeah. 23 A. Maybe 20 minutes. 24 Q. Now did you ask these two 25 gentlemen any other questions during this</p> | <p>Page 46</p> <p>1 K. Lamm 2 not qualified. What other questions did you 3 ask of these two gentlemen? 4 A. I asked how can I not be found 5 qualified when I have already held a 6 position as police officer. 7 Q. Okay. Did they respond to that 8 question? 9 A. Basically just with a shrug of 10 the shoulders. 11 Q. Okay. And any other questions -- 12 well, withdrawn. Did you ask them any other 13 questions, other than the two that you've 14 testified to this morning? 15 MR. GOODSTADT: He's testified 16 to three now, but -- 17 MR. NOVIKOFF: Three questions? 18 Q. Well, what was the third 19 question? We have the one as to why you 20 were not qualified. The next question that 21 I recall you testifying to was how could you 22 be found not to be qualified because you -- 23 you passed a prior test. What was the third 24 question that you asked them? 25 A. I just said that I've already</p> |

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| <p>1 K. Lamm 2 taken the test within the prior year. 3 Q. Okay. Other than what you've 4 testified to, can you recall any other 5 questions that you asked of these gentlemen? 6 A. Not that I can recall at this 7 time. 8 Q. Okay. Well, is there anything in 9 your custody, possession or control that 10 would refresh your recollection? 11 A. I don't think so. 12 Q. Okay. Did you ever -- well, what 13 was the next communication that you received 14 from the Suffolk County Civil Service 15 Department concerning your appeal, to the 16 extent you received any additional 17 communication? 18 MR. GOODSTADT: Objection. 19 A. Just a letter. 20 Q. When did this letter come to you? 21 A. Just saying that, you know, I was 22 found not qualified. 23 Q. I'm not asking you what the 24 letter was. When did the letter come to 25 you?</p> | <p>Page 49</p> <p>1 K. Lamm 2 Q. Did you ever appear for a 3 background investigation? 4 A. Yes, I did. 5 Q. Did you appear for this 6 background investigation prior to the first 7 communication that -- wherein you were 8 advised that you were not qualified? 9 A. I believe it was before that. 10 I -- I believe it was before that. 11 Q. So you believe you -- you 12 appeared before -- for a background 13 investigation before you first learned that 14 you were not qualified? 15 A. Yes. I believe so. 16 Q. Okay. And did you receive any 17 communication from the Suffolk County Police 18 Department concerning the background 19 investigation that they undertook? 20 A. No, I didn't. 21 Q. Did you receive any communication 22 from the Suffolk County Civil Service with 23 regard to the background investigation that 24 they undertook? 25 A. No, I didn't.</p> |
| <p>1 K. Lamm 2 A. Maybe two days after. 3 Q. Okay. And it came from the 4 Suffolk County Civil Service Department? 5 A. Yes, it did. 6 Q. And what did this letter say? 7 A. Not qualified. 8 Q. Okay. And did you ever inquire 9 as to why this determination was made as 10 reflected in this -- this most recent 11 communication? 12 A. That was it. 13 Q. Okay. Have you had any 14 additional communication with the Suffolk 15 County Civil Service Department concerning 16 your interest in the Suffolk County Police 17 Department position after receipt of the 18 letter that you just testified to? 19 A. Just that I had to appear for a 20 background investigation. 21 Q. When did you receive 22 communication that you had to appear for a 23 background investigation? 24 A. Somewhere around the same time as 25 the psychological, approximately.</p> | <p>Page 50</p> <p>1 K. Lamm 2 Q. Okay. Now my question is 3 specifically, sir, you've received now, 4 after your appeal, a communication from the 5 Suffolk County Civil Service Department 6 saying that, once again, you were not 7 qualified, correct? 8 A. Correct. 9 Q. After receipt of that document, 10 did you receive any other communication from 11 the Suffolk County Civil Service Department 12 concerning your interest in the Suffolk 13 County Police Department job? 14 A. No. 15 Q. After receipt of the Suffolk 16 County Civil Service Department letter 17 indicating for a second time that you were 18 not qualified, did you receive any 19 communication from the Suffolk County Police 20 Department concerning your interest in a 21 position with them? 22 A. No. 23 Q. After receipt of the second 24 letter, did you receive any communication 25 from any source concerning your interest in</p> |

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| <p>1 K. Lamm 2 the Suffolk County Police Department job? 3 A. No. 4 Q. Okay. Were you represented by 5 counsel, Mr. Goodstadt's office, at the time 6 that you received the second communication 7 concerning the Civil Service Department's 8 determination that you were not qualified? 9 MR. GOODSTADT: Objection. 10 A. Was I represented by? 11 Q. Mr. Goodstadt's law firm. 12 A. For the appeal? 13 Q. No. No. No. Had you retained 14 Mr. Goodstadt's law firm for any purpose, 15 and I don't want to know the purpose, but 16 for any purpose at the time that you 17 received word from the Suffolk County Civil 18 Service Department for the second time that 19 you were not qualified? 20 A. No. 21 Q. Okay. Had you filed a Notice of 22 Claim against the village prior to the time 23 that you received communication from the 24 Suffolk County Civil Service Department that 25 you were not qualified for the second time?</p> | <p>Page 53</p> <p>1 K. Lamm 2 Q. Did you tape record phone 3 conversations with Mr. Moran after April 2, 4 2006, other than the one that you've just 5 testified to? 6 A. Yes. 7 Q. In any of these phone 8 conversations, did you ever advise Mr. Moran 9 that he was being tape recorded? 10 A. No. 11 Q. Did you engage in any other phone 12 conversations with any other individuals in 13 which you tape recorded the conversations? 14 MR. GOODSTADT: Objection. 15 You're talking about ever? 16 MR. NOVIKOFF: I'm sorry. 17 Subsequent to -- well, I may adopt your 18 question. The answer may be 19 interesting. 20 Q. Did -- after April 2, 2006, did 21 you ever tape record a phone conversation 22 with any person, other than Chris Moran? 23 A. I believe there might have -- 24 might have been just one. 25 Q. And who would that be?</p> |
| <p>1 K. Lamm 2 A. No. 3 Q. How did Mr. Hesse interfere with 4 your application with the Suffolk County 5 Police Department after April 2, 2006? 6 A. I was told by Chris Moran that 7 George Hesse wrote up an unfavorable 8 recommendation about me to the Suffolk 9 County applicant investigation unit. 10 Q. Okay. And who is Chris Moran? 11 A. He works at Ocean Beach. 12 Q. And did Chris Moran advise you as 13 to how he learned of this? 14 A. George Hesse told him. 15 Q. And did Mr. Moran tell you this 16 in a phone conversation? 17 A. Yes, he did. 18 Q. Did Mr. Moran tell you this in a 19 phone conversation in which he was being 20 tape recorded by you? 21 A. Yes, he did. 22 Q. Did you advise Mr. Moran during 23 this telephone conversation that you were 24 recording him? 25 A. No, I didn't.</p> | <p>Page 54</p> <p>1 K. Lamm 2 A. John Oley. 3 Q. And who is John Oley? 4 A. He works at Ocean Beach. 5 Q. And when would -- if -- when 6 would you have had this conversation with 7 Mr. Oley? 8 A. Specifically, I can't give you 9 specific time. 10 Q. Okay. And what time period would 11 you have had these conversations with -- 12 well, withdrawn. The conversation in which 13 you testified that Mr. Moran told you that 14 George Hesse had sent an unfavorable 15 reference to the Suffolk County Department, 16 when did this phone conversation take place? 17 MR. GOODSTADT: Objection. 18 A. Specifically, I don't know the 19 exact time. 20 Q. Did -- other than Mr. Moran's 21 statement to you, do you have any other 22 knowledge from whatever source, that 23 Mr. Hesse intentionally and maliciously 24 interfered with your application for the 25 Suffolk County Police Department?</p> |

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| | Page 57 | Page 59 |
| <p>1 K. Lamm</p> <p>2 A. No.</p> <p>3 Q. Have you ever seen the alleged</p> <p>4 unfavorable reference that Mr. Hesse,</p> <p>5 according to Mr. Moran, submitted to the</p> <p>6 Suffolk County Police Department?</p> <p>7 A. No.</p> <p>8 Q. Have you ever sought to look --</p> <p>9 withdrawn. Have you ever sought to look for</p> <p>10 this document?</p> <p>11 A. No.</p> <p>12 Q. Have you ever filed a FOIL</p> <p>13 request?</p> <p>14 MR. GOODSTADT: Objection.</p> <p>15 Q. Do you know what a FOIL request</p> <p>16 is?</p> <p>17 A. Yes, I do.</p> <p>18 Q. What is your understanding of a</p> <p>19 FOIL request?</p> <p>20 A. No, I did not.</p> <p>21 Q. What is your understanding of a</p> <p>22 FOIL request, sir?</p> <p>23 A. Freedom of information.</p> <p>24 Q. Did you ever file a FOIL request?</p> <p>25 A. No.</p> | <p>1 K. Lamm</p> <p>2 Q. Okay. Did Mr. Moran ever advise</p> <p>3 you that he saw this unfavorable reference?</p> <p>4 A. He didn't -- he saw the letter</p> <p>5 that was sent to the department to George</p> <p>6 Hesse, but not what was written on it.</p> <p>7 Q. What letter did Mr. Moran see?</p> <p>8 A. A letter from the police</p> <p>9 department about asking, you know, about me</p> <p>10 about verifying that I worked there.</p> <p>11 Q. Did Mr. Moran describe for you</p> <p>12 what was in this letter, other than what</p> <p>13 you've just testified to?</p> <p>14 A. No.</p> <p>15 Q. Did Mr. Moran advise you that</p> <p>16 George Hesse told him specifically what</p> <p>17 unfavorable information he provided to the</p> <p>18 Suffolk County Police Department in response</p> <p>19 to this written request?</p> <p>20 MR. CONNOLLY: Objection.</p> <p>21 A. No, he didn't.</p> <p>22 MR. GOODSTADT: It was probably</p> <p>23 the double hearsay.</p> <p>24 MR. NOVIKOFF: I'm sure it is.</p> <p>25 That's what I'm trying to establish.</p> | |
| | Page 58 | Page 60 |
| <p>1 K. Lamm</p> <p>2 Q. Are you aware of anybody acting</p> <p>3 on your behalf who has communicated with the</p> <p>4 Suffolk County Police Department looking</p> <p>5 into finding this unfavorable recommendation</p> <p>6 by George Hesse?</p> <p>7 MR. GOODSTADT: Objection. To</p> <p>8 the extent that --</p> <p>9 MR. NOVIKOFF: Other -- other</p> <p>10 than counsel. Exactly. Other than</p> <p>11 counsel.</p> <p>12 A. Not that I'm aware of.</p> <p>13 Q. Okay. Did Mr. Moran ever tell</p> <p>14 you what specifically George Hesse said in</p> <p>15 this unfavorable recommendation?</p> <p>16 A. I don't believe so.</p> <p>17 Q. Did you ever inquire with</p> <p>18 Mr. Moran as to what specifically Mr. Hesse</p> <p>19 said to you -- said about you in this</p> <p>20 allegedly unfavorable reference?</p> <p>21 A. Yes, I did ask.</p> <p>22 Q. And what did Mr. Moran say to you</p> <p>23 in response to your question to him?</p> <p>24 A. He doesn't know exactly what was</p> <p>25 written.</p> | <p>1 K. Lamm</p> <p>2 MR. GOODSTADT: It's not -- not</p> <p>3 a basis to object at a deposition.</p> <p>4 MR. NOVIKOFF: We'll see.</p> <p>5 Q. Did you ever inquire with George</p> <p>6 Hesse, after receipt of this communication</p> <p>7 from Mr. Moran, as to what, if anything, he</p> <p>8 told the Suffolk County Police Department?</p> <p>9 A. No.</p> <p>10 Q. Have you ever spoken with</p> <p>11 Mr. Hesse after April 2, 2006?</p> <p>12 A. No.</p> <p>13 Q. Did you ever register a complaint</p> <p>14 to the Ocean Beach Police Department</p> <p>15 concerning what Mr. Moran allegedly told</p> <p>16 you?</p> <p>17 A. No.</p> <p>18 Q. Did you ever register a complaint</p> <p>19 to any board of trustee member concerning</p> <p>20 what Mr. Moran allegedly told you?</p> <p>21 A. No.</p> <p>22 Q. Did you ever register a complaint</p> <p>23 to any mayor of Ocean Beach concerning what</p> <p>24 Mr. Moran told you?</p> <p>25 A. No.</p> | |

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| <p>1 K. Lamm</p> <p>2 MR. GOODSTADT: Just so we're</p> <p>3 clear, you're talking about whether he</p> <p>4 did?</p> <p>5 MR. NOVIKOFF: Whether he did,</p> <p>6 yeah.</p> <p>7 MR. GOODSTADT: Or whether we</p> <p>8 did?</p> <p>9 MR. NOVIKOFF: Whether he did.</p> <p>10 MR. GOODSTADT: Okay.</p> <p>11 Q. Well, then let me ask you the</p> <p>12 question. Are you aware of, other than what</p> <p>13 is set forth perhaps in this Complaint --</p> <p>14 MR. GOODSTADT: Or the Notice</p> <p>15 of Claim.</p> <p>16 MR. NOVIKOFF: Or the Notice of</p> <p>17 Claim.</p> <p>18 MR. GOODSTADT: That's a</p> <p>19 different story.</p> <p>20 Q. Right. Other than a filing,</p> <p>21 whether it was the Notice of Claim or the</p> <p>22 federal Complaint, are you aware of anyone</p> <p>23 on your behalf sending a communication to</p> <p>24 either the mayor or the board of trustees or</p> <p>25 the police department concerning what</p> | <p>Page 61</p> <p>1 K. Lamm</p> <p>2 Q. Okay. When did you take this</p> <p>3 written test?</p> <p>4 A. Somewhere around shortly after</p> <p>5 the Suffolk Police test. Maybe 2004.</p> <p>6 Q. Okay. Did you take any other</p> <p>7 tests with regard to your interest in a</p> <p>8 position with the Suffolk County Sheriff's</p> <p>9 Department?</p> <p>10 A. No.</p> <p>11 Q. Okay. So did you take one</p> <p>12 written test or two written tests?</p> <p>13 A. Well, there were two written</p> <p>14 tests, but there was another one many years</p> <p>15 before that.</p> <p>16 Q. Okay. Well, let's go back to the</p> <p>17 one that was many years before that. When</p> <p>18 did you take your first test for a position</p> <p>19 with the Suffolk County Sheriff's</p> <p>20 Department?</p> <p>21 A. Maybe four years before that.</p> <p>22 Q. So we're talking about 2000?</p> <p>23 A. Approximately.</p> <p>24 Q. And for what position was this</p> <p>25 test given to you for?</p> | <p>Page 63</p> |
| <p>1 K. Lamm</p> <p>2 Mr. Moran said to you?</p> <p>3 A. Not to my knowledge.</p> <p>4 Q. Okay. As you sit here today, do</p> <p>5 you have any knowledge whatsoever as to why</p> <p>6 the Suffolk County Civil Service Department</p> <p>7 found you, on two occasions, to be</p> <p>8 unqualified for the position with the</p> <p>9 Suffolk County Police Department?</p> <p>10 A. No.</p> <p>11 Q. Okay. Let's talk about the test</p> <p>12 for the Suffolk County Sheriff's position</p> <p>13 that I believe you said you took.</p> <p>14 A. Yes.</p> <p>15 Q. How many tests have you taken</p> <p>16 with regard to your interest in working for</p> <p>17 the Suffolk County Sheriff's Department?</p> <p>18 A. Overall?</p> <p>19 Q. Yes.</p> <p>20 A. I believe just two.</p> <p>21 Q. Okay. And what are these two?</p> <p>22 A. Written tests for an entry</p> <p>23 position.</p> <p>24 Q. Entry position for what?</p> <p>25 A. Sheriff.</p> | <p>Page 62</p> <p>1 K. Lamm</p> <p>2 A. Entry level deputy.</p> <p>3 Q. Deputy. Okay. And describe the</p> <p>4 test for me that was given to you in 2000.</p> <p>5 A. It's the same as it was with the</p> <p>6 Suffolk Police Department test that I</p> <p>7 described previously.</p> <p>8 Q. Okay. They gave you a series of</p> <p>9 questions for you to answer?</p> <p>10 A. Yes.</p> <p>11 Q. Do you recall how many questions?</p> <p>12 A. No.</p> <p>13 Q. Okay. Did you pass that written</p> <p>14 test?</p> <p>15 A. I believe so.</p> <p>16 Q. And now, again, we're talking</p> <p>17 about the test in 2000, you believe you</p> <p>18 passed that written test?</p> <p>19 A. I believe so.</p> <p>20 Q. Upon your passing that written</p> <p>21 test, what, if anything, did you do next</p> <p>22 with regard to your interest in seeking a</p> <p>23 position with the Suffolk County Sheriff's</p> <p>24 Department?</p> <p>25 A. Nothing.</p> | <p>Page 64</p> |

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| | Page 65 | Page 67 |
| <p>1 K. Lamm</p> <p>2 Q. Why not?</p> <p>3 A. Because you got to wait for your</p> <p>4 list number to come up. It never came up.</p> <p>5 Q. When you say you had to wait for</p> <p>6 your list number to come up, what do you</p> <p>7 mean?</p> <p>8 A. They go by -- they give you a</p> <p>9 list of ranking.</p> <p>10 Q. Okay. And did you ever get a</p> <p>11 ranking as a result of the test that you</p> <p>12 took in 2000?</p> <p>13 A. Yes. But I wasn't reachable.</p> <p>14 Q. When you say you weren't</p> <p>15 reachable, what do you mean by "reachable"?</p> <p>16 A. 'Cause they only hire allotted</p> <p>17 few.</p> <p>18 Q. Okay. Fine. What was your test</p> <p>19 ranking as a result of the 2000 test that</p> <p>20 you took for the Suffolk County Sheriff's</p> <p>21 Department?</p> <p>22 A. I don't recall.</p> <p>23 Q. Was it above 100?</p> <p>24 A. I don't believe it was.</p> <p>25 Q. Was it above 50?</p> | <p>1 K. Lamm</p> <p>2 to you -- okay. I got it. So it's your --</p> <p>3 correct me if I'm wrong, it's your testimony</p> <p>4 that your number was of such a nature that</p> <p>5 you weren't reachable in terms of them</p> <p>6 offering you a job?</p> <p>7 A. Right.</p> <p>8 Q. Okay. And did this test expire</p> <p>9 -- I'm sorry, did the ranking as a result of</p> <p>10 this test expire at any particular point in</p> <p>11 time, to your knowledge?</p> <p>12 A. Yes, it does.</p> <p>13 Q. When does it expire?</p> <p>14 A. After three or four years or</p> <p>15 whenever they decide to give a test.</p> <p>16 Q. Okay. And is that the reason why</p> <p>17 you took the test a second time, that your</p> <p>18 initial ranking expired?</p> <p>19 A. No. I took it because I wanted</p> <p>20 to take it.</p> <p>21 Q. Okay. Did you pass the second</p> <p>22 test?</p> <p>23 A. Yes.</p> <p>24 Q. And what was your ranking?</p> <p>25 A. I believe it was 800 something.</p> | |
| | Page 66 | Page 68 |
| <p>1 K. Lamm</p> <p>2 A. No. I don't believe it was.</p> <p>3 Q. Was it above 10?</p> <p>4 A. If it was, then I would have</p> <p>5 received a letter if I wanted the job.</p> <p>6 Q. I'm sorry, say that again?</p> <p>7 A. If it was above 10, I would have</p> <p>8 received a letter if I was interested in the</p> <p>9 job.</p> <p>10 Q. What do you mean by that?</p> <p>11 A. I wasn't reachable.</p> <p>12 Q. No. I understand that. Is it</p> <p>13 your -- and explain to me, because I'm --</p> <p>14 I'm not familiar with this, if you're giving</p> <p>15 a ranking of number one, did you have an</p> <p>16 understanding that that meant that you were</p> <p>17 the first person that they would call upon</p> <p>18 to see if you --</p> <p>19 A. That's correct.</p> <p>20 MR. GOODSTADT: Let him just</p> <p>21 finish the question.</p> <p>22 Q. To call upon to see if you still</p> <p>23 wanted to take the job?</p> <p>24 A. Right.</p> <p>25 Q. That's correct. So my question</p> | <p>1 K. Lamm</p> <p>2 Q. Okay. That's a very high</p> <p>3 ranking, to your knowledge?</p> <p>4 MR. GOODSTADT: Objection.</p> <p>5 A. Ranking is ranking.</p> <p>6 Q. Okay. That's a fair answer.</p> <p>7 Between the first test and the second test,</p> <p>8 had you received any communications from the</p> <p>9 Sheriff's Department with regard to your</p> <p>10 interest in a job with them?</p> <p>11 A. Just that I had passed the test</p> <p>12 and they gave me a ranking.</p> <p>13 Q. Okay. Did you receive any</p> <p>14 communication from the Suffolk County Civil</p> <p>15 Service Department, between the first test</p> <p>16 and the second test for the Sheriff's</p> <p>17 Department, concerning your interest in the</p> <p>18 job?</p> <p>19 MR. GOODSTADT: Objection.</p> <p>20 A. No.</p> <p>21 Q. Okay. Did you receive any</p> <p>22 communication from any other governmental</p> <p>23 agency, between the first test and the</p> <p>24 second test, concerning your interest in the</p> <p>25 Suffolk County Sheriff's job?</p> | |

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Page 69

1 K. Lamm
2 A. No.
3 Q. Okay. So now let's look at the
4 2004 test. How long after the 2004 test did
5 you receive your ranking?
6 A. After six months I believe.
7 Q. Okay. And what was the next
8 communication, if any, that you received
9 from the Suffolk County -- I'm sorry, the
10 Suffolk County Sheriff's Department
11 concerning your interest in a job with them
12 after the 2004 test?
13 A. They just gave me my grade and my
14 list number.
15 Q. What was your grade?
16 A. 88 percent.
17 Q. Okay. So you were 88 percent
18 with a ranking in the 800s; is that correct?
19 A. That's correct.
20 Q. Okay. What communication, if
21 any, did you receive from the Suffolk County
22 Civil Service Department with regard to your
23 interest in the Sheriff's Department job
24 after your 2004 test?
25 A. There wasn't any.

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1 K. Lamm
2 that George Hesse had communicated with them
3 with regard to any of your applications for
4 employment with them?
5 A. Did any -- say again.
6 Q. Did anyone from the Suffolk
7 County Sheriff's Department ever advise you
8 that George Hesse had communicated with them
9 concerning any of your applications for
10 employment with them?
11 A. No.
12 Q. Did anyone from the Suffolk
13 County -- from the Suffolk County Civil
14 Service Department ever advise you that
15 George Hesse had communicated with the
16 Sheriff's Department concerning your
17 application with them?
18 A. No.
19 Q. Did Chris Moran ever tell you
20 that George Hesse sent an unfavorable
21 reference to the Suffolk County Sheriff's
22 Department concerning your application?
23 A. No.
24 Q. Did George Moran ever tell
25 you that -- I'm sorry. Yes. Withdrawn.

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1 K. Lamm
2 Q. What communication, if any, did
3 you receive from any other governmental
4 entity after the 2004 test, concerning your
5 interest in a Suffolk County Sheriff's job?
6 A. There wasn't any.
7 Q. Okay. Have you done anything to
8 follow up with the Suffolk -- with the
9 Suffolk County Sheriff's Department
10 concerning your interest in a position with
11 them?
12 A. No.
13 Q. Are you aware if your ranking has
14 expired?
15 A. Yes.
16 Q. When did your ranking with the --
17 with the Suffolk County Sheriff's Department
18 expire?
19 A. When they gave the next test.
20 Q. When was that?
21 A. Couple months ago.
22 Q. Did you take that test?
23 A. No.
24 Q. Did anyone from the Suffolk
25 County Sheriff's Department ever advise you

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1 K. Lamm
2 Did Chris Moran ever tell you that George
3 Hesse ever sent an unfavorable reference to
4 the Suffolk County Civil Service Department
5 concerning your interest in the Sheriff's
6 Department job?
7 A. No.
8 MR. NOVIKOFF: Okay. The tape
9 is about to end. So let's change the
10 tape and continue.
11 THE VIDEOGRAPHER: This ends
12 tape number one. The time is 11:02
13 a.m. Going off the record.
14 (A break was taken.)
15 THE VIDEOGRAPHER: This begins
16 tape number two. The time is 11:18
17 a.m. Back on the record.
18 Q. Okay. Sir, you also mentioned
19 that you applied for the -- a position with
20 Southampton Town Police; is that correct?
21 A. Yes.
22 Q. When did you first make an
23 application for a position with the
24 Southampton Town Police?
25 A. I believe somewhere maybe late

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| | Page 73 | Page 75 |
| <p>1 K. Lamm 2 2004, 2005. 3 Q. And how did you go about making 4 that application? 5 A. I received a canvas letter. 6 Q. Okay. And who did you receive a 7 canvas letter from? 8 A. It was from Civil Service. 9 Q. Okay. And -- and what 10 specifically did this canvas letter say? 11 A. It had a -- place a checkmark if 12 you're interested in a position with 13 certain, you know, police departments that 14 were listed, and the ones that, you know, I 15 listed previously to you were on that list. 16 Q. Okay. So in this letter, you 17 checked off the Southampton Town Police 18 Department, the Southampton Village Police 19 Department, the Huntington Bay Police 20 Department -- 21 A. That was a separate letter. 22 Q. Okay. 23 A. The east end towns were one 24 letter. 25 Q. Okay. So let's -- let's stick</p> | <p>1 K. Lamm 2 A. Southampton Village. They 3 sent -- 4 Q. No. No. My question now -- I'm 5 breaking it down. You've -- you've told me 6 that you checked off at least two boxes, one 7 for Southampton Town and one for Southampton 8 Village, correct? 9 A. Yes. 10 Q. So my question now is 11 specifically to the Southampton Town Police 12 Department. 13 A. Okay. 14 Q. After you checked off that box 15 and you sent this canvas letter back to the 16 Civil Service Department, what was the next 17 communication, if any, that you received 18 from the Southampton -- I'm sorry. What 19 was -- withdrawn. What was the next 20 communication, if any, that you received 21 from any governmental entity concerning your 22 interest in the Southampton Town Police 23 Department position? 24 A. There was a letter sent back 25 stating the requirements of residency that</p> | |
| | Page 74 | Page 76 |
| <p>1 K. Lamm 2 with this letter then, the canvas letter 3 that you say you received. 4 A. Yes. 5 Q. You checked off the Southampton 6 Police Department, the Southampton Village 7 Police Department? 8 A. Yes. 9 Q. And what other east end police 10 departments did you check off in this 11 letter? 12 A. That may have been it. There 13 could have been another one, but I 14 believe -- I believe that was just the two. 15 Q. Okay. So let's stick now with 16 the Southampton Town Police department. 17 After you checked off that box in this 18 canvas letter, did you send it back to the 19 Civil Service Department? 20 A. Yes, I did. 21 Q. Okay. And what was the next 22 communication, if any, that you received 23 from any entity concerning your interest in 24 a position with the Southampton Town Police 25 Department?</p> | <p>1 K. Lamm 2 you would need. 3 Q. Who sent you back this letter? 4 A. It was Civil Service. 5 Q. Suffolk County Civil Service? 6 A. Yes. 7 Q. And when you say a letter was 8 sent back concerning the requirements of 9 residency, what -- what was stated in this 10 letter concerning that? 11 A. Wanted to know if I lived there. 12 Q. In -- in the town of Southampton? 13 A. That's right. 14 Q. And did you learn -- did you 15 live in the town of Southampton at that 16 time? 17 A. No. 18 Q. Have you ever lived in the town 19 of Southampton? 20 A. No. 21 Q. And what was your understanding 22 as to why they were asking you this 23 question? 24 A. Because they have a residency 25 list that they use first.</p> | |

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November 19, 2008

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| <p>1 K. Lamm</p> <p>2 Q. Okay. So if I understand</p> <p>3 correctly, Southampton Town Police</p> <p>4 Department will -- will seek applicants</p> <p>5 first from those who live in the town, and</p> <p>6 then if they exhaust that list, they will go</p> <p>7 outside the town?</p> <p>8 A. Correct.</p> <p>9 Q. Okay. What was the next</p> <p>10 communication, if any, that you received --</p> <p>11 well, did you -- did you respond to this</p> <p>12 letter from the Civil Service Department</p> <p>13 concerning the residency issue?</p> <p>14 A. Yes.</p> <p>15 Q. And -- and you advised them that</p> <p>16 you were not a resident?</p> <p>17 A. That's right.</p> <p>18 Q. And when did you receive this</p> <p>19 letter from them?</p> <p>20 A. Shortly after -- shortly after</p> <p>21 they sent me a canvas.</p> <p>22 Q. Which is we're still in the 2004</p> <p>23 time period?</p> <p>24 A. Maybe 2005.</p> <p>25 Q. Okay. And what was the next</p> | <p>1 K. Lamm</p> <p>2 Subsequent to your checking off the box</p> <p>3 concerning your interest in the Southampton</p> <p>4 Village Police Department, what was the next</p> <p>5 communication, if any, that you received</p> <p>6 from any governmental entity concerning your</p> <p>7 interest in that position?</p> <p>8 A. I believe it was 2006 they sent</p> <p>9 me a letter.</p> <p>10 Q. Okay. When in 2006?</p> <p>11 A. Around the summer.</p> <p>12 Q. So this would have been after you</p> <p>13 were not rehired for the position with the</p> <p>14 Ocean Beach Police Department?</p> <p>15 MR. GOODSTADT: Objection. Are</p> <p>16 we going to agree to --</p> <p>17 MR. NOVIKOFF: Yes.</p> <p>18 MR. GOODSTADT: -- terms?</p> <p>19 MR. NOVIKOFF: Just so we're</p> <p>20 all clear, we take the position that --</p> <p>21 that Mr. Lamm and the other Plaintiffs</p> <p>22 were not rehired. The Plaintiffs,</p> <p>23 through Mr. Goodstadt, take the</p> <p>24 position that they were terminated. To</p> <p>25 the extent my question refers to</p> |
| <p>1 K. Lamm</p> <p>2 communication, if any, that you received</p> <p>3 from any governmental entity concerning your</p> <p>4 interest in the Southampton Town Police</p> <p>5 Department job?</p> <p>6 A. I believe that was it.</p> <p>7 Q. Okay. To your knowledge, has</p> <p>8 George Hesse sent any communication to the</p> <p>9 Southampton Town Police Department regarding</p> <p>10 you since your checking off the box as</p> <p>11 interested in a position with them?</p> <p>12 A. I don't know if he did or not.</p> <p>13 Q. That's my question. Do you have</p> <p>14 any knowledge?</p> <p>15 A. Again, I don't know if -- I</p> <p>16 don't know.</p> <p>17 Q. Well, let me ask -- let me</p> <p>18 rephrase the question, sir. Do you have any</p> <p>19 knowledge as to whether or not George Hesse</p> <p>20 ever communicated with the Southampton Town</p> <p>21 Police Department concerning your interest</p> <p>22 in a job with that department?</p> <p>23 A. No, I don't.</p> <p>24 Q. Okay. Now let's go to the</p> <p>25 Southampton Village Police Department.</p> | <p>1 K. Lamm</p> <p>2 termination or not rehire, no answer</p> <p>3 here is waiving the respective</p> <p>4 positions of the parties.</p> <p>5 MR. GOODSTADT: Why don't we</p> <p>6 stay with "the employment ended."</p> <p>7 MR. NOVIKOFF: Okay. Fine.</p> <p>8 Just read to me what my question was.</p> <p>9 (The requested portion was read.)</p> <p>10 Q. So this would have been after the</p> <p>11 time that your employment relationship ended</p> <p>12 with Ocean Beach?</p> <p>13 A. Correct.</p> <p>14 Q. Okay. What did the letter from</p> <p>15 the Southampton Village Police Department</p> <p>16 state, to the best of your recollection?</p> <p>17 A. It stated that they were looking,</p> <p>18 you know, for appli -- applicants that were</p> <p>19 interested in the position.</p> <p>20 Q. Okay. And did you respond to</p> <p>21 that letter?</p> <p>22 A. Yes, I did.</p> <p>23 Q. And how did you respond to that</p> <p>24 letter?</p> <p>25 A. That I was interested.</p> |

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| <p style="text-align: right;">Page 81</p> <p>1 K. Lamm 2 Q. Okay. How did you advise them 3 that you were interested? 4 A. Check off box. 5 Q. Okay. And you sent that -- that 6 document back to the Southampton Village 7 Police Department? 8 A. Yes. 9 Q. Indicating that you were 10 interested? 11 A. Yes. 12 Q. What was the next communication, 13 if any, that you had with the Southampton 14 Village Police Department concerning your 15 interest in a position with them? 16 A. They sent me a package that I had 17 to fill out with papers, you know, 18 background, previous employment. 19 Q. Okay. And did you fill those 20 papers out? 21 A. I started to. And along with 22 those papers was an interview date. 23 Q. My question is, did you fill out 24 all those documents? 25 A. I started to fill out all those</p> | <p style="text-align: right;">Page 83</p> <p>1 K. Lamm 2 Department was this package of materials 3 that they had asked you to fill out? 4 A. Right. But I couldn't show for 5 the interview, so I had to call and cancel. 6 MO MR. NOVIKOFF: Hold on. Motion 7 to strike. 8 Q. My question, sir, is the last 9 communication -- well, was the last 10 communication that you had with the 11 Southampton Village Police Department, the 12 package of materials that they had sent to 13 you? 14 A. Yes, it was. 15 Q. Okay. 16 MR. GOODSTADT: You're talking 17 about written communication or oral 18 communication? 19 MR. NOVIKOFF: Any 20 communication. And I'm going to 21 clarify his answer, because I think in 22 a prior answer he had mentioned that he 23 had called them, so. 24 Q. I'm referring to written 25 communication. Was the package of materials</p> |
| <p style="text-align: right;">Page 82</p> <p>1 K. Lamm 2 documents, but -- 3 Q. Then my question to you, sir, is 4 did you complete filling out all the 5 documents that the Southampton Village 6 Police Department sent you? 7 A. No. 8 Q. Okay. What documents that you 9 received from the Southampton Village Police 10 Department did you not complete? 11 A. I don't know exactly what I did 12 not complete. 13 Q. Okay. Did you send any of the 14 documents that you received from the 15 Southampton Village Police Department, as 16 you've just testified to, back to the 17 village? 18 A. No. 19 Q. What was the next communication, 20 if any, that you received from the 21 Southampton Village Police Department? 22 A. I didn't receive any. 23 Q. So the last -- if I understand, 24 the last communication that you received 25 from the Southampton Village Police</p> | <p style="text-align: right;">Page 84</p> <p>1 K. Lamm 2 that you received from the Southampton 3 Village Police Department, the last written 4 communication that you received from them? 5 A. Yes, it was. 6 Q. Okay. Now subsequent to the 7 receipt of these document -- of this 8 documentation, did you have any verbal 9 communication with anyone associated with 10 the Southampton Village Police Department? 11 A. No. 12 Q. Okay. Did the Southampton 13 Village Police Department, in this package 14 of materials, request that you schedule an 15 interview? 16 A. Yes. 17 Q. Did you schedule an interview 18 with the Southampton Village Police 19 Department? 20 A. The interview date and time was 21 already scheduled in the package. 22 Q. Okay. And what was the interview 23 date and time that was already scheduled in 24 the package? 25 A. It was in July of 2006.</p> |

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1 K. Lamm
 2 Q. Okay. And from -- I believe from
 3 your testimony you did not appear on that
 4 date, did you?
 5 A. That's correct.
 6 Q. And did you advise anyone at the
 7 Southampton Village Police Department that
 8 you were not going to appear on that date
 9 and time for the scheduled interview?
 10 A. Yes. I called --
 11 Q. No. My question is just yes or
 12 no, sir.
 13 A. Yes, I did.
 14 Q. And who did you -- how did you
 15 communicate the fact that you were not going
 16 to appear on that date and time?
 17 A. Telephone.
 18 Q. Who did you call?
 19 A. Chief.
 20 Q. Chief who?
 21 A. I don't remember the name.
 22 Q. How do you know -- how did you
 23 know to call the chief?
 24 A. There was a telephone number
 25 there.

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1 K. Lamm
 2 the case?
 3 A. Because once when you are found
 4 not qualified, you can't accept a police
 5 position until you take another test and
 6 time passes by.
 7 Q. Okay. I -- I understand that
 8 that's your understanding. My question to
 9 you is, where did you get this understanding
 10 from? Did you read it in a statute? Did
 11 you read it in a book? Where did you get
 12 this understanding that you just testified
 13 to concerning your disqualification for any
 14 other law enforcement job as a result of
 15 your failure to be qualified according to
 16 Civil Service?
 17 A. When I went for my interview.
 18 The appeal.
 19 Q. Okay.
 20 A. That, you know, once I failed a
 21 psychological, I can't accept any other
 22 police job, because that list number is the
 23 same list number that they use off the
 24 police exam.
 25 Q. So you were told specifically

Page 86

1 K. Lamm
 2 Q. Okay. And did you speak with the
 3 chief?
 4 A. No.
 5 Q. Did you leave a voicemail message
 6 with the chief?
 7 A. Yes, I did.
 8 Q. What specifically did you say to
 9 the chief in this voicemail message?
 10 A. That I would not be able to
 11 appear for the interview date.
 12 Q. And did you give him a reason --
 13 and I assume it's a him -- did you give him
 14 a reason in this telephone voicemail message
 15 that you left?
 16 A. Yes.
 17 Q. What was the reason that you gave
 18 the chief?
 19 A. Because I had received a letter
 20 from Suffolk County Civil Service stating
 21 that I was not qualified after the
 22 psychological, therefore, that eliminated me
 23 from seeking out any future further
 24 employment with any police agency.
 25 Q. And how did you know this to be

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1 K. Lamm
 2 that you failed the psychological by the
 3 Suffolk County Civil Service Department?
 4 A. No.
 5 Q. So how do you know that you
 6 failed the -- the psychological?
 7 A. I received a letter that I
 8 failed.
 9 Q. The psychological?
 10 A. Yes.
 11 Q. Okay. See, I thought you had
 12 just said you received a letter saying that
 13 you were not qualified. Did you receive --
 14 A. That's what it says, not
 15 qualified, on the letter.
 16 Q. Did it say you were not qualified
 17 because you failed the psychological?
 18 A. Yes.
 19 Q. Oh, okay. So you did receive --
 20 just so we're clear, you received a letter
 21 from the Suffolk County Civil Service
 22 Department that specifically said you are
 23 not qualified because you failed the
 24 psychological test; is that correct?
 25 A. The exact wording, but it's

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| <p>1 K. Lamm 2 pretty close. 3 Q. Okay. And in the second letter 4 that you received -- you received from the 5 Suffolk County Civil Service Department, did 6 it also say that you were not qualified 7 because you had failed a psychological test? 8 A. In appeal. Yes. 9 Q. Okay. And did you ever seek to 10 determine what parts of the psychological 11 test you failed? 12 A. When I was there for the appeal, 13 I asked if I would be able to know what part 14 I had failed, and they said they don't tell 15 you. 16 Q. Okay. And did you ever do 17 anything to ascertain the truthfulness of 18 the statement that said they don't tell 19 people why they fail tests? 20 A. No. 21 Q. Okay. Now let's go back to the 22 understanding that you had about what -- 23 what disqualifications you had as a result 24 of failing the physical -- I mean the 25 psychological and being told you were not</p> | <p>Page 89</p> <p>1 K. Lamm 2 your application with the Southampton 3 Village Police Department? 4 A. Because I had just received a 5 letter within two weeks that I was not 6 qualified from the Civil Service exam for 7 the psychological. 8 Q. So that's the basis of your -- 9 your understanding? 10 A. Yes. 11 Q. Have you taken a psychological 12 test subsequent to your -- subsequent to the 13 Civil Service Department's determination 14 that you were not qualified? 15 A. I have taken other Civil Service 16 tests psychological before that. 17 Q. I'm not interested, sir, with 18 before. We've established that you took a 19 psych -- you took psychological tests with 20 regard to your application for a Suffolk 21 County Police Department position, correct? 22 A. Correct. 23 Q. We've established that you were 24 told on two occasions that you failed the 25 psychological test, and therefore, were not</p> |
| <p>1 K. Lamm 2 qualified by the Suffolk County Civil 3 Service Department. Who told you 4 specifically, of those two individuals in 5 that meeting, that because you were not 6 qualified as a result of failing your 7 psychological, you could not apply for any 8 other job, any other law enforcement job? 9 MR. GOODSTADT: Objection. 10 A. Stanley Pelc. 11 Q. Okay. What specifically did 12 Mr. Pelc say to you? 13 A. Because you need over a year to 14 pass, time to pass in order to take another 15 psychological again. 16 Q. Did Mr. Pelc advise you 17 specifically as a result of your failure, 18 you cannot apply or pursue any other law 19 enforcement job? 20 A. No, he did not say that. 21 Q. So my question to you, sir, is, 22 what is the basis for your understanding 23 that because you were determined to be not 24 qualified as a result of failing a 25 psychological, you could not go forward in</p> | <p>Page 90</p> <p>1 K. Lamm 2 qualified, correct? 3 A. Correct. 4 Q. You've testified, if I understand 5 you correctly, and tell me if I'm wrong, 6 that you were advised by Mr. Pelc that you 7 would have to wait one more year before you 8 could take another psychological test, 9 correct? 10 MR. GOODSTADT: Objection. 11 A. That's correct. 12 Q. Is that what Mr. Pelc told you? 13 A. That's correct. 14 Q. Have you taken another 15 psychological test since being advised that 16 you failed the test with regard to the 17 Suffolk County Police Department position? 18 A. No. 19 Q. Okay. To your knowledge, did 20 George Hesse send any documentation -- 21 withdrawn. To your knowledge, did George 22 Hesse ever communicate to the -- to the 23 Southampton Village Police Department 24 concerning you with regard to your 25 application for employment?</p> |

KEVIN LAMM
November 19, 2008

EDWARD CARTER, ET AL. VS.
1885 INCORPORATED VILLAGE OF OCEAN BEACH, ET AL.

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| <p>1 K. Lamm 2 A. Not to my knowledge. 3 Q. To your knowledge, did Mr. Hesse 4 know that you were applying, at any point in 5 time, for a position with the Southampton 6 Village Police Department? 7 A. I don't know if he did. 8 Q. Did you ever advise Mr. Hesse? 9 A. No. 10 Q. Did you ever advise Mr. Hesse 11 that you were applying, at any point in 12 time, for a position with the Southampton 13 Town Police Department? 14 A. No. 15 Q. Sir, why have you not taken an 16 exam -- a subsequent psychological exam for 17 a law enforcement job after you were advised 18 by the Suffolk County Civil Service 19 Department that you were not qualified as a 20 result of failing the psychological test? 21 MR. GOODSTADT: Objection. 22 A. I had no reason to take another 23 one. 24 Q. What do you mean you had no 25 reason to take another one?</p> | <p>Page 93</p> <p>1 K. Lamm 2 MR. GOODSTADT: Objection. 3 Q. To your knowledge? 4 A. I don't know. 5 Q. Okay. Well, we've established 6 now, sir, that you failed the psychological 7 tests -- test, you were advised of that, and 8 then you were advised that you had to wait 9 for over a year to take another one, 10 correct? 11 A. Correct. 12 Q. Okay. And we've also established 13 that you are still interested in working in 14 the law enforcement field, correct? 15 A. Correct. 16 Q. So then my question, sir, is why 17 haven't you taken a test, another 18 psychological test for the purposes of a law 19 enforcement position? 20 A. 'Cause I haven't had any other 21 tests taken for other law enforcement jobs. 22 Q. What do you mean by that? 23 A. Because I have exceeded the age 24 limit now. 25 Q. What is the age limit?</p> |
| <p>1 K. Lamm 2 A. After that test? 3 Q. Yes. 4 A. For what? 5 Q. Were you still interested in 6 working in law enforcement? 7 A. Yes, I was. 8 Q. Okay. And if I understand you 9 correctly, Mr. Pelc told you that before you 10 could apply for another law enforcement job, 11 you had to wait a year and then take the 12 psychological -- 13 A. Over a year. 14 Q. You had to wait for over a year 15 to take the psychological test again, 16 correct? 17 A. Correct. 18 Q. When he said "over a year," do 19 you know what he meant by "over a year"?</p> <p>20 A. A year has to pass. 21 Q. Okay. And how often are these 22 psychological tests given, to your 23 knowledge? Well, withdrawn. Is there a set 24 period, a set day every year where 25 psychological tests are given?</p> | <p>Page 94</p> <p>1 K. Lamm 2 A. 35. 3 Q. Okay. How old were you when you 4 were advised that you had failed the 5 psychological tests for the Suffolk County 6 Police Department? 7 A. 34. 8 Q. Okay. And when did you turn 35, 9 what date and year? 10 A. November of 2000 -- of -- of 11 that year. 12 Q. Of 2000 and? 13 A. Six. 14 Q. Six. Did you know that -- did 15 you know when you were told that you had 16 failed -- I'm sorry. Withdrawn. Did you 17 know when you were advised for the second 18 time that the Civil Service Department had 19 indicated that you were not qualified as a 20 result of failing the psychological, that 21 there was a 35 year age limit on law 22 enforcement positions? 23 A. I knew that there was. 24 Q. You knew that there was a 35 year 25 age --</p> |

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1 K. Lamm
 2 A. In order to take the test, you --
 3 you wouldn't be able to take the test if you
 4 were over 35.

5 Q. Okay. And you knew that at the
 6 time that you were told you were not
 7 qualified?

8 A. Yes.

9 Q. Did you commence any type of
 10 lawsuit between the time that you were
 11 advised that you were not qualified and the
 12 date of your 35th birthday concerning the
 13 determination by the Suffolk County Civil
 14 Service Department that you were not
 15 qualified?

16 MR. GOODSTADT: Objection.

17 A. No.

18 MR. NOVIKOFF: What's the basis
 19 of the objection, counselor?

20 MR. GOODSTADT: Did he commence
 21 a lawsuit? I mean, he's commenced a
 22 lawsuit here, right?

23 MR. NOVIKOFF: Well, then I'll
 24 rephrase the question.

25 Q. Did you commence a lawsuit in a

1 K. Lamm
 2 job with Huntington Bay?
 3 A. They sent a canvas letter.
 4 Q. Who sent a canvas letter?
 5 A. Civil Service.
 6 Q. And when did Civil Service send
 7 you a canvas letter?
 8 A. Maybe late 2004, early 2005.
 9 Q. Okay. And what boxes, if any,
 10 did you check off on that particular canvas
 11 letter?

12 MR. GOODSTADT: Objection.

13 Q. Well, withdrawn. Did you check
 14 off any boxes? Well, even -- I'll even go
 15 back further, since I don't want to have
 16 another objection. What was on this canvas
 17 letter?

18 A. Interested in employment.

19 Q. And do you recall what entities,
 20 if any, were identified in the Civil Service
 21 canvas letter that you're referring to?

22 A. Yes, I do.

23 Q. And what were they?

24 A. Lloyd Harbor.

25 Q. Okay.

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Page 100

1 K. Lamm
 2 state court, challenging the Suffolk County
 3 Civil Service Department's determination
 4 that you were not qualified prior to turning
 5 35?

6 A. This is the lawsuit here.

7 Q. Well, you commenced this prior to
 8 the time you turned 35?

9 A. Yes.

10 Q. Well, let's see. Lawsuit's filed
 11 March 21, 2007. How old were you on March
 12 21, 2007?

13 A. 35.

14 Q. Okay. Because you had turned 35
 15 in November of 2006, correct?

16 A. Yes.

17 Q. Okay. So let me ask the question
 18 again, sir. Did you file a lawsuit in any
 19 state court, challenging the Civil Service
 20 Department's determination that you were not
 21 qualified because you failed a psychological
 22 test prior to you turning 35?

23 A. No.

24 Q. Let's talk about Huntington Bay.
 25 How did it come about that you applied for a

1 K. Lamm
 2 A. And Huntington Bay.
 3 Q. Huntington Bay Police Department?
 4 A. Yes.
 5 Q. Lloyd Harbor Police Department?
 6 A. Lloyd Harbor, yes.
 7 Q. Okay. And did you check off
 8 those two boxes?

9 A. Yes.

10 Q. And did you return that canvas
 11 letter to the Civil Service Department?

12 A. Yes, I did.

13 Q. With regard to Huntington Bay,
 14 what was the next communication, if any,
 15 that you received from them concerning your
 16 interest in a position with that police
 17 department?

18 MR. GOODSTADT: Objection.

19 A. I spoke to the chief and I
 20 dropped off paperwork there.

21 Q. Who was the chief?

22 A. Chief Hobbs.

23 Q. When did you speak with the
 24 chief?

25 A. Somewhere around the time frame

KEVIN LAMM
November 19, 2008

EDWARD CARTER, ET AL. VS.
1887 INCORPORATED VILLAGE OF OCEAN BEACH, ET AL.

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| <p>1 K. Lamm 2 of 2005, springtime I believe. 3 Q. Springtime of 2005? 4 A. Yes. 5 Q. Okay. And what paperwork did you 6 drop off? 7 A. Dropped off my police 8 certificate. 9 Q. Okay. 10 A. Copy of my test grade from the 11 police exam. 12 Q. Okay. 13 A. And some of my other training 14 documents from Suffolk Police Academy. 15 Q. How did you know to go to -- to 16 go to the Huntington Bay Village Police 17 Department to drop off these documents? 18 A. I just went there. 19 Q. Did you schedule -- did you 20 have -- did you have a communication with 21 anyone scheduling the time that you were to 22 drop off these documents? 23 A. No. No scheduled time. 24 Q. Did anyone tell you to drop these 25 documents off?</p> | <p>Page 101</p> <p>1 K. Lamm 2 some of my -- here's a copy of my 3 certificate from the police academy and the 4 municipal bureau of police from New York 5 State. He said, "Okay. If anything, we'll 6 be in touch." I said, "Thank you." That 7 was really it. 8 Q. Did the name George Hesse come up 9 at all during this brief conversation? 10 A. No, it didn't. 11 Q. Did the name of Ocean Beach come 12 up during the course of this brief 13 conversation? 14 A. I said, "I work at Ocean Beach." 15 Q. How did you describe -- did you 16 describe what you meant by you work at Ocean 17 Beach? 18 A. That I was a police officer. 19 Q. Did you describe to him whether 20 you were a full time or police -- or part 21 time? 22 A. No. 23 Q. Did you describe to him whether 24 you were seasonal or full time? 25 A. No.</p> |
| <p>1 K. Lamm 2 A. No. I did. 3 Q. And did you have a conversation 4 with Chief Hobbs the day that you dropped 5 these documents off? 6 A. I said to him I was -- 7 Q. No. The question is, did you 8 have a communication with Chief Hobbs on the 9 day that you dropped these documents off? 10 A. Brief. 11 Q. Okay. Was that the first time 12 you had spoken with Chief Hobbs about your 13 interest in the Huntington -- Huntington Bay 14 Police Department? 15 A. Yes. 16 Q. And when you say it was a brief 17 conversation, how long was it? 18 A. Brief. Maybe three minutes. 19 Q. And do you recall the sum and 20 substance of the conversation? 21 A. Some of it. 22 Q. Want to enlighten us? 23 MR. GOODSTADT: Objection. 24 A. Sure. I said I was interested in 25 a position with your department and here's</p> | <p>Page 102</p> <p>1 K. Lamm 2 Q. Don't you think that would have 3 been important for him to know? 4 MR. GOODSTADT: Objection. 5 A. No. 6 Q. Okay. Well, what communication, 7 if any, did you receive from the Huntington 8 Bay Police Department after this brief 9 communication with Chief Hobbs? 10 A. None. 11 Q. Did you, prior to the end of your 12 employment relationship with Ocean Beach, 13 make any inquiries with the Huntington Bay 14 Police Department concerning your interest 15 in a job with them? 16 A. No. 17 Q. To your knowledge, did George 18 Hesse ever communicate with the Huntington 19 Bay -- Huntington Bay Police Department 20 concerning your interest in the job with 21 them? 22 A. Repeat that, please. 23 Q. To your knowledge, did George 24 Hesse ever communicate with the Huntington 25 Bay Police Department concerning your</p> |

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| Page 105 | Page 107 |
| <p>1 K. Lamm 2 interest in a position with them? 3 A. Not to my knowledge. 4 Q. Did you ever advise Chief Hesse 5 that you had submitted an application to the 6 Huntington Bay Police Department? 7 A. I believe I said something to 8 him. 9 Q. When did you say something to 10 him? 11 A. Sometime that year in 2005. 12 Q. And do you recall what 13 Mr. Hesse's reaction was, if any? 14 A. No, I don't. 15 Q. Okay. When was -- after you 16 checked off the box for Lloyd Harbor Police 17 Department -- actually, let me take a step 18 back. The Huntington Bay Police Department, 19 was that a full-time position that you were 20 applying for? 21 A. Yes. 22 Q. And how about with the two 23 Southampton police department applications, 24 was that -- was that full time? 25 A. Yes.</p> | <p>1 K. Lamm 2 you mean? 3 A. Because Lloyd Harbor has what's 4 called a loose residency. 5 Q. What is your understanding as to 6 what that means? 7 A. The way they defined it? 8 Q. Yes. That's all I'm asking. 9 A. The way they defined it was that 10 if you lived either in the village of Lloyd 11 Harbor or within an approximate 15 mile 12 range, you would get to be -- you would have 13 preference over anybody else that lived 14 further out. 15 Q. Did you live in Lloyd Harbor at 16 the time you received this letter? 17 A. No. 18 Q. Have you ever lived in Lloyd 19 Harbor since submitting an application for 20 employment? 21 A. No. 22 Q. Did you live within the 15 miles 23 of this village at the time you received 24 this letter? 25 A. Yes. They -- they stated I was</p> |
| Page 106 | Page 108 |
| <p>1 K. Lamm 2 Q. Okay. Let's then go to Lloyd 3 Harbor. After checking off the box of the 4 canvas letter and sending the letter back to 5 the Civil Service Department, what, if 6 anything -- what -- what, if any, 7 communication did you receive from the Lloyd 8 Harbor Police Department concerning your 9 interest in the job with them? 10 A. They sent a letter with residency 11 requirements. 12 Q. And were you -- and when did they 13 send this letter to you? 14 A. Within a few -- within a few 15 weeks after I sent a letter back. 16 Q. And did you advise them that you 17 were not a resident of Lloyd Harbor at that 18 time? 19 A. You didn't have to be a resident. 20 Q. Oh, okay. So they were different 21 than Southampton Town? 22 MR. GOODSTADT: Objection. 23 Q. To your knowledge? 24 A. Slightly. 25 Q. When you say "slightly," what do</p> | <p>1 K. Lamm 2 within the range. 3 Q. Okay. And where did you live at 4 this time? 5 A. Bay Shore. 6 Q. Okay. And did you advise -- 7 they stated that you lived in the range in 8 this letter? 9 A. Yes. They said that was 10 acceptable. 11 Q. So what else, if anything, did 12 this letter state to you concerning your 13 interest in a job with them? 14 A. They wanted to know if I had 15 already completed a police academy within 16 Suffolk County. 17 Q. And -- and had you? 18 A. And if I had any police 19 experience. 20 Q. Okay. Let's talk about the first 21 one. Had you completed a -- how did you 22 phrase it? 23 A. Police academy? 24 Q. Yeah. 25 A. Yes, I did.</p> |

KEVIN LAMM
November 19, 2008

EDWARD CARTER, ET AL. VS.
1889 INCORPORATED VILLAGE OF OCEAN BEACH, ET AL.

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| Page 109 | Page 111 |
| <p>1 K. Lamm</p> <p>2 Q. And did you advise them of that?</p> <p>3 A. Yes, I did.</p> <p>4 Q. And did you advise them of your</p> <p>5 police experience?</p> <p>6 A. Yes, I did.</p> <p>7 Q. And how did you go about advising</p> <p>8 them of your police experience and of your</p> <p>9 police academy experience?</p> <p>10 A. It was through telephone.</p> <p>11 Q. Who did you speak with?</p> <p>12 A. Don't know the name. Whoever was</p> <p>13 working the desk.</p> <p>14 Q. When did you speak to them in</p> <p>15 relation to when you received this letter</p> <p>16 seeking this information?</p> <p>17 A. Sometime in 2005.</p> <p>18 Q. Okay. And what was the next</p> <p>19 communication, if any, that you received</p> <p>20 from the Harbor -- the Lloyd Harbor Police</p> <p>21 Department concerning your interest in a job</p> <p>22 with them?</p> <p>23 A. To send a copy of my police</p> <p>24 certificates.</p> <p>25 Q. And did you?</p> | <p>1 K. Lamm</p> <p>2 after that with Lloyd Harbor?</p> <p>3 A. They -- I believe they said you</p> <p>4 can call back and you can talk to one of the</p> <p>5 lieutenants if you have to.</p> <p>6 Q. Okay. And did you call back?</p> <p>7 A. Yes, I did.</p> <p>8 Q. Do you know if -- well, did you</p> <p>9 speak to a live human being when you called</p> <p>10 back?</p> <p>11 A. Yes, I did.</p> <p>12 Q. Do you know who you spoke to?</p> <p>13 A. It was a man I believe. Who it</p> <p>14 was, I don't know who it was.</p> <p>15 Q. How shortly after you were</p> <p>16 advised you should speak to one of the</p> <p>17 sergeants did you in fact call over to the</p> <p>18 Lloyd Harbor Police Department?</p> <p>19 MR. GOODSTADT: Objection.</p> <p>20 A. Say again, please.</p> <p>21 Q. How long after -- we've</p> <p>22 established you were advised that you should</p> <p>23 call over and speak to one of the sergeants,</p> <p>24 correct?</p> <p>25 MR. GOODSTADT: Objection.</p> |
| Page 110 | Page 112 |
| <p>1 K. Lamm</p> <p>2 A. Yes, I did.</p> <p>3 Q. How long -- when -- when did you</p> <p>4 receive this communication from them</p> <p>5 concerning your police certificates?</p> <p>6 A. After the telephone conversation.</p> <p>7 Q. Okay. And do you know who you</p> <p>8 spoke to with regard to the request for the</p> <p>9 police certificates?</p> <p>10 A. I don't know who it was.</p> <p>11 Q. Okay. And how long after this</p> <p>12 communication did you send the police</p> <p>13 certificates to them?</p> <p>14 A. Within the next day or two.</p> <p>15 Q. Still in 2005?</p> <p>16 A. Yes.</p> <p>17 Q. Are we in the fall of 2005, the</p> <p>18 summer or the winter?</p> <p>19 MR. GOODSTADT: Objection.</p> <p>20 Q. Well, do you know what season you</p> <p>21 were in when you had these communications?</p> <p>22 A. Springtime maybe.</p> <p>23 Q. Okay. And after you sent the</p> <p>24 police certificates to Lloyd Harbor, what</p> <p>25 communications, if any, did you engage in</p> | <p>1 K. Lamm</p> <p>2 Q. Was that correct?</p> <p>3 A. She said lieutenant.</p> <p>4 Q. Oh, okay. How long after you</p> <p>5 were advised that you should call over and</p> <p>6 speak to one of the lieutenants did you in</p> <p>7 fact call over to speak to one of the</p> <p>8 lieutenants?</p> <p>9 A. May have been a week later.</p> <p>10 Q. Okay. So we're still in the 2005</p> <p>11 time period?</p> <p>12 A. Yes.</p> <p>13 Q. And did you speak with any</p> <p>14 lieutenants?</p> <p>15 A. I believe it was. The name I</p> <p>16 can't be for certain.</p> <p>17 Q. And do you know the name?</p> <p>18 A. The name I can't be for certain.</p> <p>19 Q. Okay. And how long was this</p> <p>20 conversation?</p> <p>21 A. It wasn't very long.</p> <p>22 Q. Two minutes? Five minutes? 10</p> <p>23 minutes?</p> <p>24 A. Six minutes.</p> <p>25 Q. Do you recall the sum and</p> |

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| Page 113 | Page 115 |
| <p>1 K. Lamm</p> <p>2 substance of this conversation?</p> <p>3 A. I asked if they received my</p> <p>4 papers. My police certificates.</p> <p>5 Q. And what was the response, if</p> <p>6 any?</p> <p>7 A. Yes, they did.</p> <p>8 Q. Do you recall was someone --</p> <p>9 anything else that was discussed with this</p> <p>10 individual in this brief conversation?</p> <p>11 A. Yes. That they were looking to</p> <p>12 hire two people.</p> <p>13 Q. Okay. And anything else that was</p> <p>14 discussed?</p> <p>15 A. Yes.</p> <p>16 Q. What? What was discussed?</p> <p>17 A. That being that I had already</p> <p>18 graduated from the Suffolk County Police</p> <p>19 Department, that I may have first preference</p> <p>20 over anybody else that didn't have academy</p> <p>21 experience or graduate from an accredited</p> <p>22 agency.</p> <p>23 Q. Okay.</p> <p>24 A. Mainly Suffolk County Police</p> <p>25 Academy.</p> | <p>1 K. Lamm</p> <p>2 Q. And what was the purpose of your</p> <p>3 phone call, if any?</p> <p>4 A. To see if they were still going</p> <p>5 to hire two full time people and if there</p> <p>6 was a time frame.</p> <p>7 Q. And what response, if any, did</p> <p>8 you get to your inquiry?</p> <p>9 A. They said that they were still</p> <p>10 making a decision.</p> <p>11 Q. And how long was this</p> <p>12 conversation?</p> <p>13 A. Three, four minutes.</p> <p>14 Q. Okay. Anything else you recall</p> <p>15 said between you and this person at the</p> <p>16 police department?</p> <p>17 A. Not that I can recall.</p> <p>18 Q. What was the next communication,</p> <p>19 if any, that you had between you and anyone</p> <p>20 at the Lloyd Harbor Police Department</p> <p>21 concerning your interest in a job with them?</p> <p>22 A. I don't believe there was one.</p> <p>23 Q. Did you -- did you attempt to</p> <p>24 phone the Lloyd Harbor Police Department</p> <p>25 after this last communication?</p> |
| Page 114 | Page 116 |
| <p>1 K. Lamm</p> <p>2 Q. Got it. Anything else that was</p> <p>3 discussed that you can recall?</p> <p>4 A. Not that I can recall.</p> <p>5 Q. And how did the conversation end?</p> <p>6 A. "Good-bye." Hung up the phone.</p> <p>7 Q. Okay. Were you advised to call</p> <p>8 back at any particular time?</p> <p>9 A. No.</p> <p>10 Q. What was the next communication</p> <p>11 that you engaged in with someone from the</p> <p>12 Lloyd Harbor Police Department concerning</p> <p>13 your interest in a position with that</p> <p>14 department?</p> <p>15 A. May have been maybe another month</p> <p>16 after.</p> <p>17 Q. And what type of communication</p> <p>18 was this?</p> <p>19 A. Telephone.</p> <p>20 Q. Who initiated it?</p> <p>21 A. I did.</p> <p>22 Q. Who did you call?</p> <p>23 A. Lloyd Harbor Police.</p> <p>24 Q. Anyone specifically?</p> <p>25 A. Whoever was working the desk.</p> | <p>1 K. Lamm</p> <p>2 A. No. I just waited for a</p> <p>3 response.</p> <p>4 Q. So we're still in -- we're still</p> <p>5 in 2005, correct?</p> <p>6 A. Correct.</p> <p>7 Q. And you made no further</p> <p>8 communications with them?</p> <p>9 A. Waited for a response.</p> <p>10 Q. Before the end of your employment</p> <p>11 relationship in April of 2006 with Ocean</p> <p>12 Beach, did you make any inquiry with -- with</p> <p>13 the Lloyd Harbor Police Department?</p> <p>14 A. No.</p> <p>15 Q. Prior to the end of your</p> <p>16 employment relationship with the Lloyd --</p> <p>17 with Ocean Beach, did you become aware of</p> <p>18 the fact one way or the other as to whether</p> <p>19 Lloyd Harbor had filled those two full-time</p> <p>20 positions?</p> <p>21 A. Don't know.</p> <p>22 Q. Did you ever inquire as to</p> <p>23 whether they did?</p> <p>24 A. No.</p> <p>25 Q. To this day do you know if they</p> |

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| <p>Page 117</p> <p>1 K. Lamm 2 did? 3 A. I don't know. 4 Q. Did you ever inquire between 5 April 2, 2006 and this date? 6 A. No. 7 Q. To your knowledge, did Mr. Hesse 8 know that you were applying for a position 9 with the Lloyd Harbor Police Department? 10 A. I believe he did. 11 Q. How -- what's the basis for that 12 belief? 13 A. Because I was talking about it 14 inside the station. 15 Q. Directly to Mr. Hesse? 16 A. He was passing by. 17 Q. So who were you talking to? 18 A. I believe -- I believe it was 19 Walter Muller. 20 Q. When? 21 A. The exact day I don't know. 22 Q. Month and year? 23 A. Maybe somewhere around the time 24 frame when I received the letter and made a 25 phone call. 2005. Month, day I cannot be</p> | <p>Page 119</p> <p>1 K. Lamm 2 destroy your career? 3 MR. GOODSTADT: Objection. 4 MR. NOVIKOFF: What's the basis 5 for the objection, counselor? 6 MR. GOODSTADT: To the extent 7 that "conspire" has a legal 8 connotation, he's a fact witness and, 9 you know, shouldn't be held to knowing 10 the definition of a legal claim in his 11 Complaint. 12 MR. NOVIKOFF: Sir, I'm just 13 asking him to give me the basis for the 14 allegation that he made, and I'll quote 15 from page 186, "as set forth above, 16 Defendants Hesse and Alison Sanchez 17 conspired to unlawfully destroy 18 Plaintiffs' careers." 19 MR. GOODSTADT: There's a legal 20 connotation to the word "conspire." 21 MR. NOVIKOFF: That's fine. 22 Q. Sir, what did Defendant Hesse and 23 Alison Sanchez do that leads you to believe 24 that they "conspired to unlawfully destroy" 25 your career?</p> |
| <p>Page 118</p> <p>1 K. Lamm 2 specific. 3 Q. I think you -- you sufficiently 4 answered that question. 5 MR. GOODSTADT: Objection. 6 Q. Did Mr. Hesse stop as he was 7 passing by to engage you in a conversation 8 concerning this? 9 A. In passing he said, "Oh, you're 10 applying to Lloyd Harbor?" I said, "Yes." 11 Q. Did he say anything else? 12 A. No. 13 Q. To your knowledge, did Mr. -- has 14 Mr. Hesse ever communicated with Lloyd 15 Harbor concerning your interest in a 16 position with them? 17 A. Not to my knowledge. 18 Q. Let's -- do you recall alleging 19 or -- withdrawn. Do you recall stating a 20 claim for relief in your lawsuit described 21 as civil conspiracy under state law? 22 MR. GOODSTADT: Objection. 23 A. I don't recall right now. 24 Q. Okay. How did Defendant Hesse 25 and Ms. Sanchez conspire to unlawfully</p> | <p>Page 120</p> <p>1 K. Lamm 2 MR. GOODSTADT: Same objection. 3 MR. NOVIKOFF: Okay. 4 A. According to the phone 5 conversation that Ed Carter had with George 6 Hesse about myself, Frank Fiorillo and 7 Joseph Nofi would never get any law 8 enforcement careers ever again in our life. 9 Q. Motion -- okay. Continue. I 10 don't want to stop your answer. 11 A. Thank you. And with all the 12 knowledge that he has in Civil Service right 13 now, and he snickered. 14 THE COURT REPORTER: He what? 15 THE WITNESS: He snickered. 16 Q. He snickered? 17 A. Laughed. 18 Q. Who snickered? 19 A. George Hesse. 20 Q. Oh, okay. When you say all the 21 knowledge that he has in Civil Service, what 22 do you mean? 23 A. Well, he was friends with Alison 24 Sanchez. 25 Q. And you know this how?</p> |

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| <p style="text-align: right;">Page 121</p> <p>1 K. Lamm 2 A. Because he said that he had a 3 close friend in Civil Service one time when 4 we were in the police department and showed 5 her business card. 6 Q. Did he say this to you? 7 A. Yes, he did. 8 Q. And what business card did he 9 show you? 10 A. Alison Sanchez. 11 Q. Okay. When did he show you this? 12 A. Sometime within the year of 2005. 13 Q. Okay. 14 A. End of 2004, beginning 2005. 15 Q. And what was the context in which 16 he was showing you this card and making the 17 statement that he had a close friend in the 18 Civil Service Department? 19 A. Again, please. 20 Q. What was the context that led him 21 to tell you that he had a close friend in 22 the Civil Service Department and showed you 23 the business card? 24 A. Because at that time, he was 25 hiring people to work in the department.</p> | <p style="text-align: right;">Page 123</p> <p>1 K. Lamm 2 A. I didn't say Tom Snyder. 3 Q. Who did you say? 4 A. Edward Carter. 5 Q. Okay. Other than what Mr. Carter 6 may have told you, what else, if anything, 7 is the basis for your allegation that 8 Mr. Hesse and Ms. Sanchez "conspired to 9 unlawfully destroy" your career? 10 MR. GOODSTADT: Objection. 11 A. That is what I heard. 12 Q. Okay. So other than what you 13 heard from another source concerning a 14 conversation between George Hesse and 15 Mr. Carter, you have no other basis to 16 support that conclusion, do you? 17 MR. GOODSTADT: Objection. He 18 testified to a different conversation 19 he had with George Hesse. 20 MR. NOVIKOFF: Sir, excuse me. 21 You can object. 22 MR. GOODSTADT: Because you're 23 misstating the testimony right now. 24 MR. NOVIKOFF: Then you can 25 object.</p> |
| <p style="text-align: right;">Page 122</p> <p>1 K. Lamm 2 Q. Okay. And what led him, to your 3 recollection, to state that he had a close 4 friend in the Civil Service Department? 5 A. Because these people that he was 6 hiring were not going through any Civil 7 Service requirements. 8 Q. Okay. Now when you say he hired, 9 was this before Chief Paridiso left or after 10 Chief Paridiso left? 11 A. Exactly when Chief Paridiso left, 12 I don't know the exact date when he left. 13 Q. I'm not asking when Chief 14 Paridiso left, not the date. My question 15 is, when you just testified that you said 16 that George Hesse was hiring, was Chief 17 Paridiso at that time still working for the 18 police department, to your knowledge? 19 A. To my knowledge, yes, he was. 20 Q. Okay. Now when I asked you the 21 question about, you know, before you 22 answered that you had a conversation with Ed 23 Snyder; is that correct? 24 MR. GOODSTADT: Objection. 25 Q. Tom Snyder?</p> | <p style="text-align: right;">Page 124</p> <p>1 K. Lamm 2 MR. GOODSTADT: I just did. 3 MR. NOVIKOFF: I don't need to 4 hear it unless I asked for it, which I 5 have and you've responded to it. 6 MR. GOODSTADT: I'm not going 7 to let you mislead the witness. 8 MR. NOVIKOFF: Then you can 9 object, sir. 10 MR. GOODSTADT: I am. And I'm 11 protecting the record as well. I'm not 12 letting you mislead the witness. 13 Q. Sir, you've testified that -- 14 that you heard of a conversation between 15 Mr. Hesse and Mr. Carter, correct? 16 A. Correct. 17 Q. Who told you about that 18 conversation? 19 A. Ed Carter told me and I heard -- 20 Q. That's all I'm asking. Who told 21 you? 22 A. Ed Carter. 23 Q. Okay. Did you hear about that 24 conversation from any other source, other 25 than Mr. Carter?</p> |

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| <p>1 K. Lamm 2 A. No. 3 Q. Okay. And that conversation that 4 Mr. Carter told you about was between 5 Mr. Hesse and who? 6 A. The conversation was between 7 George Hesse and Edward Carter. 8 Q. Okay. Now other than this 9 conversation with Mr. Carter, that 10 Mr. Carter told you about, is there any 11 other basis for your claim that Mr. Hesse 12 and Ms. Sanchez "conspired to unlawfully 13 destroy" your career?</p> <p>14 MR. GOODSTADT: Objection. 15 Both the form, has a legal conclusion 16 required in it, and it's been asked and 17 answered.</p> <p>18 MR. NOVIKOFF: Okay. 19 A. No. 20 Q. Okay. What acts did Mr. Hesse 21 and Ms. Sanchez do together, if any, that 22 you believe destroyed your career? 23 A. Exactly? 24 Q. Yeah. 25 A. What they did, I can't pinpoint</p> | <p>1 K. Lamm 2 MO MR. NOVIKOFF: Motion to strike 3 as nonresponsive. 4 Q. Sir, do you have any knowledge as 5 to whether or not Mr. Hesse and Ms. Sanchez 6 ever met to discuss destroying your career? 7 A. No. 8 Q. The answer's no? 9 A. No. 10 Q. Okay. To your knowledge, sir, 11 did Mr. Hesse and Ms. Sanchez ever enter 12 into an agreement to destroy your career? 13 A. Not that I'm aware of. 14 Q. Was it "not that I'm aware of," 15 is that the answer? Okay. So when you 16 allege in paragraph 186 that Defendant Hesse 17 and Ms. Sanchez "shared a mutual agreement 18 and understanding regarding their objective 19 to do so," what was the basis of that 20 allegation?</p> <p>21 MR. GOODSTADT: Objection. 22 A. Repeat the question again. 23 Q. Sure. You've alleged in 24 paragraph 186 that Mr. Hesse and Ms. Sanchez 25 conspired to unlawfully destroy your career,</p> |
| <p>1 K. Lamm 2 exactly. But from their closeness and, you 3 know, that they have had and the way George 4 Hesse says with all his Civil Service 5 knowledge, I don't know what he was capable 6 of doing.</p> <p>7 Q. Sir, my question, sir, is to you, 8 other than your speculation as to what 9 Mr. Hesse is capable of doing, is there any 10 basis for you to conclude that Ms. Sanchez 11 and Mr. Hesse did anything together to 12 destroy your career?</p> <p>13 MR. GOODSTADT: Objection. 14 A. I couldn't -- I couldn't be 15 specific?</p> <p>16 Q. How about generally?</p> <p>17 A. No.</p> <p>18 Q. Generally what --</p> <p>19 A. That was my answer that I just 20 gave.</p> <p>21 Q. You got it. Did, to your 22 knowledge, Mr. Hesse and Ms. Sanchez ever 23 meet to discuss destroying your career?</p> <p>24 A. They have met, but I don't know 25 in what their discussions were.</p> | <p>1 K. Lamm 2 and then you further allege that both 3 Mr. Hesse and Ms. Sanchez "shared a mutual 4 agreement and understanding regarding their 5 objective to do so." So my question to you 6 is, what is the basis for the truthfulness 7 of the allegation that "Mr. Hesse" -- I'm 8 sorry, that Mr. Hesse and Ms. Sanchez 9 "shared a mutual agreement and understanding 10 regarding their objective" to destroy your 11 career?</p> <p>12 MR. GOODSTADT: Objection. 13 MR. NOVIKOFF: Okay. 14 A. After I was being stated as a 15 Civil Service rat, George Hesse stated that, 16 you know, we will never get law enforcement 17 jobs again, so.</p> <p>18 Q. I understand that. But what 19 evidence do you have that Ms. Sanchez had a 20 mutual agreement with Mr. Hesse to destroy 21 your legal career -- your -- your law 22 enforcement career?</p> <p>23 MR. GOODSTADT: Objection. 24 A. I don't. 25 Q. What evidence can you point to</p> |

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| Page 129 | Page 131 |
| <p>1 K. Lamm 2 that Ms. Sanchez had a mutual understanding 3 with Mr. Hesse to destroy your law 4 enforcement career? 5 A. I don't know. 6 Q. You then allege in 186, sir, that 7 Mr. Hesse and Ms. Sanchez "committed 8 numerous overt acts" in furtherance of the 9 plan to destroy your law enforcement career, 10 do you recall that? 11 A. Yes. 12 Q. What -- do you have an 13 understanding as to what "overt" means? 14 A. Sure. 15 Q. What's your understanding of the 16 word "overt"? 17 A. That they conspired together to 18 come up with the plan and -- 19 Q. Okay. What act that you allege 20 was undertaken between Hesse and Sanchez to 21 destroy your law enforcement career? 22 MR. GOODSTADT: Objection. 23 A. It appeared as if that the way 24 they had this close relationship together, 25 and through discovery and emails that they</p> | <p>1 K. Lamm 2 MR. GOODSTADT: Objection. 3 Q. Do you understand my question? 4 A. I understand your question. 5 Q. Okay. 6 A. I can't. 7 Q. Do you recall claiming in this 8 lawsuit, sir -- I'm sorry. Withdrawn. Do 9 you recall alleging as a claim for relief in 10 this lawsuit, the "negligent retention of an 11 unfit employee under state law"? 12 MR. GOODSTADT: Objection. 13 A. I don't recall. 14 Q. Okay. I'm going to show you what 15 is the -- I purport to be the Complaint that 16 was filed in this action, and I'm going to 17 refer your attention to paragraph -- to page 18 41, and ask you to look at the bolded 19 language in the parenthetical under the 20 words "as and for a 12th cause of action." 21 MR. GOODSTADT: Are you marking 22 this as an exhibit? 23 MR. NOVIKOFF: No. It's the 24 Complaint. I don't need to mark it as 25 an exhibit. I'm not going to be using</p> |
| Page 130 | Page 132 |
| <p>1 K. Lamm 2 had together, they were hiring people to 3 work there uncertified without going through 4 any processing. Therefore, the conversation 5 that Ed Carter had with George Hesse and 6 Hesse stating that he has Civil Service 7 knowledge, and to the fact that us three 8 mutts and rats will never get another law 9 enforcement job again, believes me -- let's 10 me believe that they had something to do 11 with something about it. 12 MR. NOVIKOFF: Motion to 13 strike. 14 A. And that's my answer. 15 MO MR. NOVIKOFF: Go ahead. 16 Motion to strike as not responsive, 17 sir. 18 Q. You've alleged that Hesse and 19 Sanchez committed numerous overt acts in 20 furtherance of their mutual understanding to 21 destroy your law enforcement career. Name 22 me one act that Ms. Sanchez engaged in with 23 Mr. Hesse that supports your position that 24 they engaged in these acts to destroy your 25 career?</p> | <p>1 K. Lamm 2 it, other than to refresh his 3 recollection. 4 MR. GOODSTADT: What paragraph 5 are you on? 6 MR. NOVIKOFF: Page 41. 7 MR. GOODSTADT: And what 8 paragraph are you looking at? 9 MR. NOVIKOFF: Just underneath 10 the language "as and for a 12th cause 11 of action." 12 Q. My question to your client is, 13 sir, please look at the language underneath 14 that which is in bold and which is in 15 parentheticals, which says "negligent 16 retention of an unfit employee under state 17 law," and once you read that, can you advise 18 me if reading that refreshes your 19 recollection as to whether or not you have 20 alleged a claim against my clients entitled 21 "negligent retention of an unfit employee 22 under state law"? 23 A. "Unfit employee," which means to 24 me is that the people they were hiring were 25 not fit.</p> |

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| 1 K. Lamm 2 MO MR. NOVIKOFF: Sir, I'm not 3 asking you what you think it means. My 4 question is specific, and I'm going to 5 move to strike. 6 Q. Does reading that one line, and 7 that's all I've asked you to read, the line 8 that's in bold and in the parentheticals, 9 does that refresh your recollection that 10 you've alleged in this case, a cause of 11 action sounding in negligent retention of an 12 unfit employee under state law? 13 MR. GOODSTADT: Objection. 14 Objection. For the record, every 15 single motion that Mr. Novikoff 16 purports to make during this deposition 17 are all opposed, and we reserve our 18 right to oppose them to the extent that 19 he actually raises them in some form 20 that this matters. 21 MR. NOVIKOFF: That -- that 22 goes without question, sir. 23 MR. GOODSTADT: I just want to 24 make the record clear. 25 MR. NOVIKOFF: Didn't need to. | Page 133 1 K. Lamm 2 served alongside Plaintiffs as police 3 officers." My question to you, sir, is what 4 officers -- what officers are you referring 5 to when you claim that they were 6 uncertified, and I'm just looking for their 7 identities? 8 A. Let me make sure I get this 9 straight. The officers that were 10 uncertified you said identity? 11 Q. Yes. You've made allegations in 12 here that there were certain uncertified 13 officers, and I'm only interested now, for 14 the purpose of my question, is for you to 15 identify those officers that you're 16 referring to in this Complaint. In this 17 allegation that I just read. 18 A. Arnold Hardman. 19 Q. Okay. 20 A. William Walsh, Dan Shook, Gary 21 Bosetti, Richard Bosetti, Patrick Cherry, 22 John Patrick Cherry, however he goes by John 23 Cherry. John Patrick Cherry. Patrick John 24 Cherry. 25 Q. Same guy? |
| 1 K. Lamm 2 Q. So that's my question. Does that 3 refresh your recollection, Mr. Lamm? 4 A. No, it doesn't. 5 Q. Okay. We don't need that 6 anymore. 7 MR. GOODSTADT: Can we just 8 take a two-minute break? 9 MR. NOVIKOFF: Sure. 10 Absolutely. 11 THE VIDEOGRAPHER: The time is 12 12:11 p.m. Going off the record. 13 (A break was taken.) 14 THE VIDEOGRAPHER: This begins 15 tape number three. The time is 12:20 16 p.m. Back on the record. 17 MR. NOVIKOFF: Just read my 18 last question and answer. 19 (The requested portion was read.) 20 Q. Sir, you've alleged in this 21 Complaint the following, and I quote, 22 "Defendant Hesse, Ocean Beach, OBPD and 23 Suffolk County Civil Service deliberately 24 retained and advanced the careers of 25 uncertified and unqualified personnel who | Page 134 1 K. Lamm 2 A. Same guy. 3 Q. Okay. Anybody else? 4 A. Senior. 5 Q. I understand. 6 A. John Dyer. That's what -- that's 7 what comes to my knowledge right now at this 8 time. 9 Q. Who hired Andrew Hardman? I'm 10 sorry. Withdrawn. When was Andrew Hardman 11 hired, to your knowledge? 12 MR. GOODSTADT: Objection. 13 A. I don't know who Andrew Hardman 14 is. 15 Q. Okay. When you said "Hardman," 16 who was the first name? 17 A. Arnold Hardman. 18 Q. Arnold. Okay. Fine. To your 19 knowledge, when was Arnold Hardman hired by 20 Ocean Beach? 21 A. 2003. 22 Q. To your knowledge, when was 23 Mr. Walsh hired by Ocean Beach? 24 A. 2003. 25 Q. To your knowledge, when was Dan |

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| Page 137 | Page 139 |
| <p>1 K. Lamm 2 Shook hired by Ocean Beach? 3 A. Could have been 2003 or 2004. 4 Q. To your knowledge, when was Gary 5 Bosetti hired? 6 A. 2002. Excuse me, sir. It's 7 2002. I'd like to add to that list Thomas 8 Schor. 9 Q. Okay. When was Richard Bosetti 10 hired by Ocean Beach, to your knowledge? 11 A. 2002. 12 Q. To your knowledge, when was John 13 Pat Cherry hired? 14 A. 2004. 15 Q. To your knowledge, when was John 16 Dyer hired? 17 A. 2004. 18 Q. To your knowledge, when was 19 Thomas Schor hired? 20 A. Maybe 2003, approximately. 21 Q. To your knowledge, who made the 22 final decision to hire Mr. Hardman? 23 A. To my knowledge, it would be 24 George Hesse. 25 Q. What was the basis of your</p> | <p>1 K. Lamm 2 A. Maybe he did. I -- 3 Q. That's what my question is, do 4 you know? 5 A. That's why I said to my 6 knowledge, it was George Hesse that did the 7 hiring. 8 Q. Then let me rephrase my question. 9 As you sit here today, do you know if 10 Mr. Hesse had to get approval by 11 Mr. Paridiso to hire Mr. Hardman? 12 A. I don't know. 13 Q. Same question with regard to 14 Mr. Walsh? 15 A. I don't know. 16 Q. Same question with regard to 17 Mr. Shook? 18 A. I don't know. 19 Q. Same question with regard to Gary 20 Bosetti? 21 A. I don't know. 22 Q. Same question with regard to 23 Richard Bosetti? 24 A. I don't know. 25 Q. Same question with regard to Pat</p> |
| Page 138 | Page 140 |
| <p>1 K. Lamm 2 knowledge? 3 A. Because he hired them. 4 Q. How do you know he hired them? 5 A. Because he had a list of names of 6 people that he was looking to hire. 7 Q. To your knowledge, did 8 Mr. Hardman's employment have to be approved 9 by Mr. Paridiso? 10 A. Did you say "employment" or 11 "unemployment"? 12 Q. His employment. To your 13 knowledge, did Mr. Paridiso have to approve, 14 in any manner, the hiring of Mr. Hardman? 15 A. I don't believe so. George was 16 the sergeant and he was doing the hiring. 17 Q. How do you know he was doing the 18 hiring? 19 A. Because he had the list of names 20 on his desk saying that who he was going to 21 hire. 22 Q. I understand that. But my 23 question is to you, how do you know, as you 24 sit here today, that Mr. Hesse didn't have 25 to get approval by Mr. Paridiso?</p> | <p>1 K. Lamm 2 Cherry? 3 A. I don't know. 4 Q. Same question with regard to John 5 Dyer? 6 A. I don't know. 7 Q. Same question with regard to 8 Thomas Schor? 9 A. I don't know. 10 Q. As of the date that your 11 employment relationship ended with Ocean 12 Beach, was Mr. Hardman, to your knowledge, 13 still an employee? 14 A. Yes, he was. 15 Q. Same question with regard to 16 Mr. Walsh? 17 A. I don't believe he was. 18 Q. Same question with regard to 19 Mr. Shook? 20 A. Not for certain. I don't know. 21 Q. Same question with regard to Gary 22 Bosetti? 23 A. Yes, he was still employed. 24 Q. Same question with regard to 25 Richard Bosetti?</p> |

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1 K. Lamm
 2 A. Yes, he was.
 3 Q. Same question with regard to Pat
 4 Cherry?
 5 A. Yes, he was.
 6 Q. As a police officer or in some
 7 other capacity?
 8 A. At that time, I believe they made
 9 him a dispatcher after he was hired as a
 10 police officer.
 11 Q. I got that. Okay. Same question
 12 as regard to Mr. Dyer?
 13 A. No. He -- at that time, no, he
 14 wasn't.
 15 Q. Same question as regard to
 16 Mr. Schor?
 17 A. Yes, he was still employed.
 18 Q. As a police officer?
 19 A. Yes, he was. Excuse me,
 20 Mr. Novikoff, if you don't mind. Something
 21 just came to my head if I can -- about a
 22 question previously.
 23 Q. Well, what was the question?
 24 A. About George Hesse and Alison
 25 Sanchez. About how they conspired.

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1 K. Lamm
 2 MR. GOODSTADT: Objection.
 3 A. No, I was not.
 4 Q. Do you know specifically what
 5 they discussed in that phone conversation?
 6 A. No, I don't.
 7 Q. Do you know if Alison Chester --
 8 do you have knowledge as you sit here today
 9 as to whether Alison Chester agreed with
 10 George Hesse in that phone conversation to
 11 destroy your career?
 12 MR. GOODSTADT: Objection.
 13 A. No, I don't.
 14 Q. Do you know if Alison Chester, in
 15 that phone conversation with Mr. Hesse,
 16 agreed to do anything with Mr. Hesse to
 17 destroy your career?
 18 MR. GOODSTADT: Objection.
 19 A. No, I don't.
 20 Q. Okay. So let's go back to the
 21 names that we were talking about. You
 22 allege that these officers were uncertified.
 23 You also allege that they were unqualified.
 24 In your mind, is there a difference between
 25 being uncertified and unqualified as you use

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1 K. Lamm
 2 Q. I'll let your counsel ask you
 3 that question then. Well, you know what,
 4 tell me. Tell me what you want to say.
 5 A. Because at the time we went to
 6 Civil Service to complain, her name was
 7 Alison Chester.
 8 Q. Okay.
 9 A. And we wanted to know about our
 10 termination and how it was going to affect
 11 previous employment, and she -- she stated
 12 that it wouldn't and this would remain
 13 confidential.
 14 Q. Okay.
 15 A. That meeting that we had. So
 16 after we left, and we have on Edward
 17 Carter's tape, that George Hesse stated that
 18 there was a phone -- telephone conversation
 19 between Alison Sanchez and George Hesse
 20 together about our termination.
 21 Q. Okay. Other than that -- well,
 22 do you -- do you know -- were you a
 23 participant in the phone conversation with
 24 George Hesse and Alison Carter, Alison
 25 Chester?

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1 K. Lamm
 2 those terms in this Complaint?
 3 A. Uncertified through Civil Service
 4 and unqualified meaning the requirements as
 5 per the Suffolk County Police Department.
 6 Q. With regard to unqualified, is
 7 that the -- is the failure to adhere to
 8 certain requirements of the Suffolk County
 9 Police Department the only basis for you to
 10 believe that certain officers were
 11 unqualified?
 12 A. Unqualified meaning that
 13 according to the standards of the Suffolk
 14 County Police Department, to work in that
 15 department would be unqualified.
 16 Q. Okay. So you have a distinction
 17 between uncertified and unqualified?
 18 A. Yes.
 19 Q. Okay. Perfect.
 20 A. As my distinction.
 21 Q. Yes. That's all. I'm only
 22 asking about your distinction.
 23 A. Just making it clear.
 24 Q. You got it. You then go on --
 25 well, there's an allegation that the careers

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| Page 145 | Page 147 |
| <p>1 K. Lamm 2 of these uncertified and unqualified 3 personnel were advanced, what do you mean by 4 "advanced"?</p> <p>5 A. They kept their jobs and we were 6 fired.</p> <p>7 Q. Okay. Got it. Then you allege 8 that "while Defendant Loeffler, Mayor of 9 Ocean Beach, negligently permitted Hesse to 10 do so," do you see that?</p> <p>11 A. See what?</p> <p>12 Q. I'm sorry. Do you recall making 13 that allegation?</p> <p>14 A. You have to repeat that, sir.</p> <p>15 Q. Okay. You've alleged in 16 paragraph 176 the following, "as set forth 17 above, Defendant Hesse, Ocean Beach, OBPD 18 and Suffolk County Civil Service 19 deliberately retained and advanced the 20 careers of uncertified and unqualified 21 personnel who served alongside Plaintiffs as 22 police officers" -- and this is the key part 23 of the allegation -- "while Defendants" -- 24 I'm not asking you to refer to that, unless 25 you need it.</p> | <p>1 K. Lamm 2 A. Right. Because they kept their 3 jobs.</p> <p>4 Q. No. No. The question is just do 5 you recall making that allegation?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. So now let's focus 8 specifically on that part of the allegation 9 that refers to Defendant Loeffler, do you 10 see that?</p> <p>11 A. Yes.</p> <p>12 Q. Now on April 2, 2006, when you 13 say your relationship with the Ocean Beach 14 Police Department ended, was Mr. Loeffler 15 the mayor?</p> <p>16 A. No. I believe Natalie Rogers 17 was.</p> <p>18 Q. And I believe you've alleged that 19 the -- the advancement of the careers that 20 you state in this paragraph refers to the 21 fact that you no longer were employed by 22 Ocean Beach, but other uncertified and 23 unqualified officers kept their jobs; is 24 that correct?</p> <p>25 A. Yes.</p> |
| Page 146 | Page 148 |
| <p>1 K. Lamm 2 MR. GOODSTADT: You just read a 3 long paragraph.</p> <p>4 Q. I understand. "While Defendant 5 Loeffler, Mayor of Ocean Beach, negligently 6 permitted Hesse to do so." Do you recall 7 making that allegation?</p> <p>8 A. You just read that from here?</p> <p>9 Q. Yeah. 176.</p> <p>10 A. Do you mind if I take the time to 11 read that?</p> <p>12 Q. Take the time to read that first 13 sentence of 176 and tell me when you're 14 done.</p> <p>15 A. Are you only asking me about the 16 first sentence or the whole entire thing?</p> <p>17 Q. That's -- just the first 18 sentence. If I ask you about the second 19 sentence, you be more than happy to read it.</p> <p>20 A. Just making sure.</p> <p>21 Q. You got it.</p> <p>22 A. All right. And what was your 23 question to that?</p> <p>24 Q. Well, the question was, do you 25 recall making that allegation?</p> | <p>1 K. Lamm 2 Q. Okay. What specifically can you 3 tell the jury that is going to be watching 4 this videotape, that Mr. Loeffler did prior 5 to April 2, 2006, that you allege permitted 6 Hesse to advance the careers of these 7 unqualified and uncertified officers?</p> <p>8 A. Loeffler was the police liaison 9 of the department, so anything that happened 10 in that department, he would have known.</p> <p>11 Q. How do you know that?</p> <p>12 A. Because --</p> <p>13 Q. Not that he was police liaison. 14 How do you know what the duties and 15 responsibilities are of the police liaison?</p> <p>16 A. The police liaison, as to what I 17 understand it to be, is the overseer of the 18 department.</p> <p>19 Q. How do you -- what is your 20 understanding based on? Did you read 21 something?</p> <p>22 A. I didn't read anything.</p> <p>23 Q. So you haven't read anything that 24 described what the duties and 25 responsibilities of the police liaison were,</p> |

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1 K. Lamm
2 were you? Did you?
3 A. No.
4 Q. Did Mr. Loeffler ever tell you
5 what the duties and responsibilities of the
6 police liaison was?
7 A. No.
8 Q. How about Mayor Rogers, did she
9 ever tell you?
10 A. No.
11 Q. Did George Hesse ever tell you?
12 A. No.
13 Q. Did sergeant -- I'm sorry, did
14 Chief Paridiso ever tell you?
15 A. No.
16 Q. Did any board of trustee member
17 ever tell you?
18 A. No.
19 Q. Did any village official ever
20 tell you what the duties and
21 responsibilities of a police liaison were?
22 A. No.
23 Q. Did Mr. Nofi ever tell you?
24 A. No.
25 Q. How about Mr. Carter?

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1 K. Lamm
2 A. Exposed to was that these
3 officers that were -- what did you say,
4 unfit?
5 Q. Well, you said unfit, sir.
6 A. Well, just now I'm saying what
7 you said.
8 Q. Okay.
9 A. Unfit, uncertified, unqualified.
10 You know, they were drinking on duty and
11 carrying a loaded fire arm. That could have
12 put anybody in danger. Also, for the fact
13 that being that they did not complete the
14 Suffolk County Police Academy, they did not
15 know the proper radio procedure as to call
16 in assistance or for back up or acknowledge
17 radio transmissions from any other officer.
18 Q. But my question to you, sir, is
19 what danger were you specifically exposed
20 to?
21 MR. GOODSTADT: Objection. He
22 just testified to it.
23 MR. NOVIKOFF: Okay. I don't
24 think he did, but I'm asking the
25 question again.

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1 K. Lamm
2 A. No.
3 Q. How about Mr. Snyder?
4 A. No.
5 Q. How about Mr. Fiorillo?
6 A. No.
7 Q. Any police officer ever tell you
8 what the duties and responsibilities of the
9 police liaison was who worked for Ocean
10 Beach?
11 A. No.
12 Q. Did any human being ever tell you
13 what the duties and responsibilities were of
14 the police liaison for the Ocean Beach
15 Police Department prior to April 2, 2006?
16 A. No.
17 Q. Let's stick with you now,
18 Mr. Lamm. What danger were you exposed to
19 by the negligent retention of what you claim
20 to be unfit employees? Now my question is
21 not what damages have you suffered, my
22 question is, what dangers have you been
23 exposed to?
24 A. The dangers are --
25 Q. Or were you exposed to?

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1 K. Lamm
2 A. That was all possible dangers
3 that could have happened.
4 Q. Okay. Then let me ask you this,
5 Mr. Lamm. What dangers in fact happened as
6 it pertains to you specifically that you
7 claim resulted from the negligent retention
8 of an unfit employee?
9 MR. GOODSTADT: Objection.
10 A. To me specifically, none. But to
11 the public, it could have been.
12 Q. Well, thank you for protecting
13 the public.
14 A. You're welcome.
15 MO Q. But my question is to you, sir --
16 and I'm going to move to strike the
17 answer -- what dangers specifically occurred
18 to you as a result of what you claim to be
19 the negligent retention of an unfit
20 employee?
21 MR. GOODSTADT: Objection.
22 A. None to me.
23 Q. Okay. In paragraph 178 -- and
24 I'll read it, it's a short paragraph -- "as
25 a direct and proximate result of Defendants

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| Page 153 | Page 155 |
| <p>1 K. Lamm 2 Hesse, OBPD, Loeffler and Ocean Beach's 3 breach of duty to supervise, Plaintiffs have 4 been injured and have incurred damages 5 thereby." How have you, Mr. Lamm, been 6 injured as a result of Hesse, OBPD, Loeffler 7 and Ocean Beach's breach of a duty to 8 supervise?</p> <p>9 MR. GOODSTADT: Objection.</p> <p>10 A. I'm going -- what was that, 178?</p> <p>11 MR. GOODSTADT: That's 178.</p> <p>12 A. I'd like to look at that, if 13 that's okay.</p> <p>14 Q. You can certainly look at it. 15 Take as much time as you want.</p> <p>16 A. Thank you. (Reviewing).</p> <p>17 Q. Would you like the question 18 repeated?</p> <p>19 A. Sure.</p> <p>20 MR. NOVIKOFF: If the court 21 reporter can read the question back.</p> <p>22 (The requested portion was read.)</p> <p>23 A. Nothing that directly pertains to 24 me.</p> <p>25 Q. What damages have you incurred --</p> | <p>1 K. Lamm 2 Mayor Loeffler, by Hesse and by any other 3 Defendant?</p> <p>4 MR. GOODSTADT: Objection.</p> <p>5 A. No -- no physical injury.</p> <p>6 Q. What mental injury have you 7 suffered as a result of what you claim to be 8 the negligent retention of an unfit police 9 officer by Ocean Beach?</p> <p>10 A. Just mentally I feel that after 11 all that I have been through to get that job 12 as a police officer and being certified, 13 it's disheartening to see that I no longer 14 work there and there are people that are 15 uncertified that still hold a police 16 position.</p> <p>17 MR. GOODSTADT: Guys, let me 18 just note my objection to that last 19 question as well.</p> <p>20 Q. What monetary damages do you 21 claim to have suffered as a result of what 22 you allege to be a negligent retention of an 23 unfit employee?</p> <p>24 MR. GOODSTADT: Objection.</p> <p>25 A. Furthering my career as a police</p> |
| Page 154 | Page 156 |
| <p>1 K. Lamm 2 withdrawn. What monetary damages have you 3 incurred as a result of what you claim to be 4 Defendants' Hesse, OBPD, Loeffler and Ocean 5 Beach's breach of duty to supervise?</p> <p>6 MR. GOODSTADT: Objection.</p> <p>7 A. None that I can think of at this 8 time.</p> <p>9 Q. What injuries have you suffered, 10 Mr. Lamm, as a result of what you claim to 11 be a negligent retention of unfit employees?</p> <p>12 MR. GOODSTADT: Objection.</p> <p>13 A. Damages that I have suffered 14 is --</p> <p>15 Q. No. The injuries. Not damages. 16 What injuries have you suffered. We'll get 17 to damages in the next question.</p> <p>18 MR. GOODSTADT: Objection.</p> <p>19 Q. So I'll repeat the question. 20 What injuries, what physical injuries have 21 you suffered as a result of what you claim 22 to be a negligent retention of unfit 23 officers?</p> <p>24 MR. GOODSTADT: Objection.</p> <p>25 Q. By Ocean Beach, by the Mayor --</p> | <p>1 K. Lamm 2 officer where I could have advanced, and 3 also, I could have been working full time 4 for the Ocean Beach Police Department if I 5 had received a canvas letter after passing 6 that police test.</p> <p>7 MO MR. NOVIKOFF: Motion to strike 8 as nonresponsive.</p> <p>9 Q. Sir, you claim in this lawsuit 10 that while you were still employed by Ocean 11 Beach, they hired officers who were both 12 uncertified and unqualified, correct?</p> <p>13 A. Correct.</p> <p>14 Q. Okay. Now, my question to you 15 is, prior to the last day of your employment 16 with Ocean Beach, what monetary damages did 17 you suffer as a result of the retention of 18 what you claim to be uncertified and 19 unqualified police officers while you were 20 still employed by Ocean Beach?</p> <p>21 MR. GOODSTADT: Objection.</p> <p>22 MR. NOVIKOFF: Okay.</p> <p>23 A. None that I can think of at this 24 time.</p> <p>25 Q. Let's go to paragraph 177, and</p> |

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| <p>1 K. Lamm 2 there's a reference to an incident that 3 occurred on October 30, 2004, do you see 4 that? 5 A. 177? 6 Q. Yeah, 177. 7 A. Of the same page? 8 Q. It starts on page 41 and goes on 9 to page 42. So if you need to read the 10 whole paragraph, that's fine, too. 11 MR. GOODSTADT: Why don't you 12 do that. 13 Q. And then tell me when you're done 14 reading it. 15 A. (Reviewing). Okay. I'm 16 completed. 17 Q. You've completed reading that? 18 A. Yes, sir. 19 Q. Okay. Now you see there's a 20 reference to an incident that took place on 21 October 30, 2004? 22 A. Okay. 23 Q. Would -- yes? 24 A. Go ahead. 25 Q. And would you agree with me that</p> | <p>Page 157</p> <p>1 K. Lamm 2 to October 31, 2004? 3 A. I don't know. I'm unaware. 4 Q. You don't know if -- if 5 Mr. Vankoot ever allocuted to a charge as it 6 pertains to the events concerning the 7 Halloween incident? 8 A. My personal knowledge of whatever 9 he said of it, no. From -- 10 Q. My question to you is, are you 11 aware of whether you were in a courtroom on 12 a particular date, whether you read it in 13 the newspaper, whether someone told you or 14 whether a rock was thrown through your 15 window, are you aware as to whether 16 Mr. Vankoot ever allocuted to a charge? 17 A. Yes. Yes. 18 Q. Okay. Are you aware as to 19 whether or not any of the other two 20 civilians ever allocuted to a charge 21 concerning any of the events that took place 22 in what is referred to as the Halloween 23 incident? 24 MR. GOODSTADT: Objection. 25 A. Yes.</p> |
| <p>1 K. Lamm 2 you've described this incident in the 3 Complaint as the Halloween incident? 4 A. Yes, sir. 5 Q. Okay. And we'll get into the 6 details of that after lunch, but would you 7 agree with me it involved allegations of a 8 fight involving a police officer and three 9 civilians? 10 A. Yes. Uncertified police officer. 11 Q. Well, thank you for adding that, 12 but police officers? 13 A. Just want to make it correct. 14 Q. Sure. 15 A. Welcome. 16 Q. Do you have any knowledge as to 17 whether or not any of these three civilians 18 who were involved in this alleged attack, 19 ever pled guilty to any crimes relating to 20 this incident? 21 A. If they ever pled guilty? 22 Q. Yeah. 23 A. To that crime? 24 Q. To any crimes involving the 25 events taken place on October 30, 2004 and</p> | <p>Page 158</p> <p>1 K. Lamm 2 Q. Okay. What other civilian -- 3 what other of the two civilians pled or 4 allocuted to a charge? 5 A. Chris Shalick. And I believe -- 6 I believe it was John Tesoro, if that's 7 correct with the name. 8 Q. So if I understand correctly, all 9 three of the civilians that were involved in 10 the Halloween incident, allocuted to certain 11 criminal charges concerning the events of 12 that evening? 13 MR. GOODSTADT: Objection. 14 Just so we're clear, which three 15 civilians are you talking about, 16 because I think Gary Bosetti was a 17 civilian also that night and so was 18 Richie Bosetti? 19 Q. We're talking about -- okay. The 20 three you just mentioned, Tesoro, Shalick 21 and -- and Vankoot, those three civilians. 22 A. I'm not accurate about Tesoro 23 about a charge or not, but Christopher 24 Shalick, yes. 25 Q. Okay.</p> |

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| Page 161 | Page 163 |
| <p>1 K. Lamm 2 A. And -- 3 Q. Vankoot? 4 A. Vankoot, yes. 5 Q. What charge are you aware of that 6 Vankoot allocuted to? 7 A. I'm not specific if it was a 8 disorderly conduct or not, but I know that 9 there was something. 10 Q. What charge did Shalick allocute 11 to, to your knowledge? 12 A. Could have been a disorderly 13 conduct as well. 14 Q. How long after the Halloween 15 incident, to your knowledge, did these two 16 individuals allocute to these charges? 17 A. Several months after the incident 18 I believe. 19 Q. So we're still in the 2004 time 20 period? 21 A. No. I believe it was after that. 22 Q. You believe it was -- when you 23 say several months, if the incident was 24 October 30, 2004, what do you mean by 25 "several months"? Where does -- where does</p> | <p>1 K. Lamm 2 victims until June of 2005? 3 A. We were kept out of -- 4 Q. Is that your testimony, yes or 5 no, that between the October 30 incident and 6 June of 2005, you were unaware of what 7 transpired with regard to these victims? 8 MR. GOODSTADT: Answer the 9 question the way you want to answer it. 10 Q. Can you answer that yes or no? 11 A. I don't know what fully happened. 12 How the termination was made. 13 Q. Can you answer the question yes 14 or no? If you can't, then you can't and 15 you'll tell me that. So I'm going to ask 16 you the question again. Is it your 17 testimony that after your involvement in 18 investigating the incident on the evening of 19 Halloween until June of 2005, you were 20 unaware of what transpired with regard to 21 the alleged victims? 22 MR. GOODSTADT: Objection. 23 Q. And if I'll ask -- 24 MR. GOODSTADT: The testimony 25 is his testimony.</p> |
| Page 162 | Page 164 |
| <p>1 K. Lamm 2 that take us in the calendar? 3 A. Probably sometime around the 4 month of June. 5 Q. June of 2005? 6 A. Um-hum. 7 Q. So you believe several months 8 is -- is eight months? 9 A. From by the -- I believe that's 10 when -- I didn't know anything about -- 11 about this until June of 2005 as -- as to 12 know what exactly happened over it because 13 we were kept out of the loop of any type of 14 investigation. So I can only tell you from 15 that time span as to what I have heard. 16 MO MR. NOVIKOFF: Motion to strike 17 as nonresponsive. 18 Q. Is your definition of "several 19 months," eight months, sir? 20 MR. GOODSTADT: Objection. 21 A. Approximately seven months. 22 Q. And is it your testimony, sir, 23 that after the incident, the Halloween 24 incident, you were unaware of what 25 transpired regarding any of the alleged</p> | <p>1 K. Lamm 2 Q. I'm asking for a yes or no, sir, 3 and if you can't answer yes or no, then 4 please tell me and I'll choose whether or 5 not to ask you a follow-up question. 6 MR. GOODSTADT: Objection. 7 A. No. I only know of what happened 8 after the time frame had passed. 9 MR. NOVIKOFF: Got it. Okay. 10 Let's take a lunch break. It's now 11 12:51. 12 THE VIDEOGRAPHER: The time is 13 12:51 p.m. Going off the record. 14 (A break was taken.) 15 THE VIDEOGRAPHER: The time is 16 1:38 p.m. Back on the record. 17 Q. Sir, do you recall in this 18 Complaint, asserting a cause of action 19 entitled "termination in violation of public 20 policy under state law"?</p> <p>21 A. I don't recall right -- right 22 now.</p> <p>23 Q. Well, I would ask you, since you 24 have the Complaint in front of you, to look 25 at page 40, and specifically, just the bold</p> |

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1 K. Lamm
 2 language in parentheticals under the "as and
 3 for an 11th cause of action," and then once
 4 you just look at that one sentence, tell me
 5 if that refreshes your recollection.
 6 A. (Reviewing).
 7 Q. Sir, does reading that one
 8 sentence refresh your recollection?
 9 A. No.
 10 Q. Okay. Well, what public policy
 11 of New York State do you claim in this
 12 lawsuit that my clients have violated?
 13 MR. GOODSTADT: Objection.
 14 Q. Okay. Now the answer won't be
 15 there. That's why I'm asking the question.
 16 What public policy of New York State are you
 17 claiming in this lawsuit that my clients
 18 have violated?
 19 MR. GOODSTADT: Objection.
 20 You can read the section if you want.
 21 A. I can?
 22 MR. GOODSTADT: Unless he
 23 instructs you not to.
 24 Q. Yeah. I don't think I need you
 25 to read that to answer the question. If you

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1 K. Lamm
 2 that any of the Defendants violated as
 3 alleged in your 11th cause of action?
 4 MR. GOODSTADT: Objection.
 5 A. At this time, I don't recall.
 6 Q. Is there anything in your
 7 possession, custody or control that would
 8 refresh your recollection?
 9 MR. GOODSTADT: Objection.
 10 Q. Do you understand my question,
 11 sir?
 12 A. Why don't you try to rephrase it
 13 a little better for me.
 14 Q. Oh no. I think I phrased it
 15 particularly well, so I'll ask the court
 16 reporter to read the question back.
 17 (The requested portion was read.)
 18 MR. GOODSTADT: Note my
 19 objection again.
 20 A. I don't know.
 21 Q. Let's go to paragraph 171, sir.
 22 You allege the following, in part, "as set
 23 forth above, Defendants terminated
 24 Plaintiffs' employment because Plaintiffs
 25 complied with and/or refused to violate laws

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1 K. Lamm
 2 don't know, you don't know.
 3 A. I don't know at this time.
 4 Q. Do you think reading the five
 5 allegations set forth under the 11th cause
 6 of action would help you answer that
 7 question?
 8 MR. GOODSTADT: Objection.
 9 A. It may.
 10 Q. Then why don't you go read
 11 paragraphs 170 to 174, and tell me, after
 12 you read that, if you can -- as to what
 13 public policy of New York State you claim my
 14 clients have violated?
 15 MR. GOODSTADT: Objection.
 16 A. (Reviewing). The exact public
 17 policy I just -- I don't know.
 18 Q. And if I asked you the same
 19 question with regard to any of the
 20 Defendants, would your answer be the same?
 21 MR. GOODSTADT: Objection.
 22 A. I can't speak for any of the
 23 other Defendants.
 24 Q. Oh no. My question is, what
 25 public policy do you claim in this lawsuit

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1 K. Lamm
 2 and regulations governing law enforcement
 3 personnel in Ocean Beach, Suffolk County and
 4 the State of New York," do you see that?
 5 A. Yes.
 6 Q. What law and regulations
 7 governing law enforcement personnel in Ocean
 8 Beach, Suffolk County and the State of New
 9 York did you comply with as you refer to it
 10 in this allegation?
 11 MR. GOODSTADT: Objection.
 12 A. I complied with being an ethical
 13 police officer.
 14 Q. What law can you point to that
 15 refers to being an ethical police officer?
 16 MR. GOODSTADT: Objection.
 17 A. I don't know.
 18 Q. What regulation that's referenced
 19 in paragraph 71 can you identify that refers
 20 to being an ethical police officer?
 21 MR. GOODSTADT: Objection.
 22 A. Code of conduct in Ocean Beach.
 23 Q. Okay. Any -- anything else?
 24 MR. GOODSTADT: Objection.
 25 A. Nothing at this time.

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| Page 169 | Page 171 |
| <p>1 K. Lamm</p> <p>2 Q. Okay. So you've testified that</p> <p>3 you were terminated because you complied</p> <p>4 with being an ethical police officer. What</p> <p>5 other law or regulation, other than being an</p> <p>6 ethical police officer, did you comply with</p> <p>7 as you refer to it in this paragraph of the</p> <p>8 Complaint?</p> <p>9 MR. GOODSTADT: Objection.</p> <p>10 A. I'm not for sure.</p> <p>11 Q. Okay. Take the flip of it now.</p> <p>12 What law or regulation governing law</p> <p>13 enforcement personnel in Ocean Beach,</p> <p>14 Suffolk County and the State of New York did</p> <p>15 you refuse to violate?</p> <p>16 MR. GOODSTADT: Objection.</p> <p>17 Q. As you refer to it in paragraph</p> <p>18 171 of the Complaint?</p> <p>19 MR. GOODSTADT: Objection.</p> <p>20 A. Repeat that, please.</p> <p>21 MR. NOVIKOFF: Court reporter.</p> <p>22 (The requested portion was read.)</p> <p>23 A. I don't know.</p> <p>24 Q. Did you know it when you read the</p> <p>25 Complaint for truthfulness and accuracy?</p> | <p>1 K. Lamm</p> <p>2 A. Not that I'm aware of.</p> <p>3 Q. Did Mayor Rogers defame you in</p> <p>4 any manner?</p> <p>5 A. Not that I'm aware of.</p> <p>6 MR. GOODSTADT: Objection.</p> <p>7 Over objection.</p> <p>8 Q. I'm sorry, as your counsel was</p> <p>9 objecting, you were answering, so.</p> <p>10 A. Not that I'm aware of.</p> <p>11 MR. GOODSTADT: Just note my</p> <p>12 objection to the question before it as</p> <p>13 well.</p> <p>14 MR. NOVIKOFF: It's noted.</p> <p>15 Q. Let's look at 164A. You allege</p> <p>16 "Defendants Hesse and OBPD published</p> <p>17 defamatory statements about Plaintiffs,</p> <p>18 including without limitation assertions</p> <p>19 that: A. (Plaintiffs were dishonest men,</p> <p>20 "rats" and rogue law enforcement officers)</p> <p>21 April 2, 2006)." What did you mean when you</p> <p>22 referred to April 2, 2006?</p> <p>23 A. That was the day we were fired.</p> <p>24 Q. Does that day have anything to do</p> <p>25 with subparagraph A?</p> |
| Page 170 | Page 172 |
| <p>1 K. Lamm</p> <p>2 MR. GOODSTADT: Objection.</p> <p>3 A. I may have.</p> <p>4 Q. But you don't know it now?</p> <p>5 MR. GOODSTADT: Objection.</p> <p>6 Q. Is that your testimony?</p> <p>7 A. My answer was my answer.</p> <p>8 Q. Okay. Do you recall if you've</p> <p>9 alleged as against Defendant Hesse and the</p> <p>10 Ocean Beach Police Department, defamation</p> <p>11 per se under state law in this Complaint?</p> <p>12 A. Do I -- I don't think I</p> <p>13 understand what you said there.</p> <p>14 Q. Do you recall if you've alleged</p> <p>15 against Hesse and the Defendant Ocean Beach</p> <p>16 Police Department, that they have engaged in</p> <p>17 what you identify as defamation per se under</p> <p>18 state law in this Complaint?</p> <p>19 MR. GOODSTADT: Objection. You</p> <p>20 just said he identified it in the</p> <p>21 Complaint.</p> <p>22 Q. Do you recall doing that?</p> <p>23 A. Yes.</p> <p>24 Q. Did Mr. Loeffler defame you in</p> <p>25 any manner?</p> | <p>1 K. Lamm</p> <p>2 A. Because I was accused of being a</p> <p>3 Civil Service rat.</p> <p>4 Q. Okay. Who accused you of being a</p> <p>5 Civil Service rat?</p> <p>6 A. George Hesse, Rich Bosetti and</p> <p>7 Gary Bosetti.</p> <p>8 Q. Okay. Well, did they do it</p> <p>9 altogether? Yes or no. Were they together</p> <p>10 at the same time when they accused you of</p> <p>11 being a Civil Service rat?</p> <p>12 A. No.</p> <p>13 Q. Okay. When on April 2, 2006 did</p> <p>14 George Hesse call you a Civil Service rat?</p> <p>15 A. He didn't on April 2.</p> <p>16 Q. When did George Hesse at any time</p> <p>17 call you a Civil Service rat?</p> <p>18 A. Approximately towards the summer</p> <p>19 season of 2004.</p> <p>20 Q. Did Mr. Hesse call you a Civil</p> <p>21 Service rat in your presence, yes or no?</p> <p>22 A. Not in my direct presence, but</p> <p>23 within proximity.</p> <p>24 Q. Did you hear Mr. Hesse call you a</p> <p>25 Civil Service rat when you were in close</p> |

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1 K. Lamm
2 proximity of him in the summer season of
3 2004?
4 A. Yes.
5 Q. Who else, if anybody, was
6 present, to your recollection, when
7 Mr. Hesse called you a Civil Service rat in
8 2000 -- in the summer season of 2004?
9 A. I don't recall.
10 Q. Okay. What specifically do you
11 recall hearing Mr. Hesse say with regard to
12 you being a Civil Service rat in the summer
13 season of 2004?
14 A. He stated that he's one of the
15 Civil Service rats.
16 Q. And did he use your name
17 specifically in this communication?
18 A. Yes.
19 Q. So what specifically did he say?
20 MR. GOODSTADT: Objection.
21 Asked and answered.
22 Q. In regard to him using your name?
23 You just testified that he said "he is one
24 of the Civil Service rats." Did he mention
25 your name specifically in this defamatory

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1 K. Lamm
2 statement?
3 A. The name came out of Richard
4 Bosetti. My name.
5 Q. I'm only talking about George
6 Hesse now, sir. Did George Hesse
7 specifically refer to you, Kevin Lamm, by
8 name when he said the term "a Civil Service
9 rat"?.
10 A. No. I don't believe so.
11 Q. Did he point at you when he said
12 this?
13 A. No.
14 Q. Where did this communication take
15 place?
16 A. That was inside the police
17 station.
18 Q. Now did he call you a Civil
19 Service rat, using those exact words, at any
20 point in time after the summer season of
21 2004?
22 A. That I don't recall.
23 Q. Did Mr. Hesse refer to you
24 specifically as a dishonest man at any point
25 in time?

1 K. Lamm
2 A. No.
3 Q. Did Mr. Hesse say anything in
4 your -- well, withdrawn. What, if
5 anything, did Mr. Hesse say that led you to
6 allege that he defamed you by asserting that
7 you were a dishonest man as you say in 164A?
8 MR. GOODSTADT: Objection.
9 A. Say the question again, please.
10 MR. NOVIKOFF: The court
11 reporter can read it back.
12 (The requested portion was read.)
13 A. I don't recall.
14 Q. Is there anything in your
15 possession, custody or control that would
16 refresh your recollection?
17 A. I don't think so.
18 Q. Did Mr. Hesse, in your -- well,
19 did Mr. Hesse ever call you "a rogue law
20 enforcement officer"?.
21 A. I don't believe so.
22 Q. What, if anything, did George
23 Hesse say, that you are aware of, that led
24 you to allege in this Complaint that
25 Mr. Hesse asserted that you were a "rogue

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1 K. Lamm
2 law enforcement officer"?
3 A. That one direct line may not
4 pertain to me.
5 Q. Did Mr. Hesse ever call you a
6 rat, separate and apart from calling you a
7 Civil Service rat in the summer season of
8 2004?
9 MR. GOODSTADT: Objection.
10 A. Just so that I clarify this, are
11 you saying the word "rat" separate from
12 "Civil Service rat"?
13 Q. Yeah. You've -- you've testified
14 I believe that in the summer season of 2004,
15 Mr. Hesse referred to you as a Civil Service
16 rat; am I correct?
17 A. Correct.
18 Q. Putting aside that specific
19 communication, did Mr. Hesse ever call you a
20 rat, to your knowledge?
21 A. Not to my knowledge.
22 Q. Let's look at 164B. Well,
23 actually, let's go back to Civil Service rat
24 in the summer season. When -- when did
25 Mr. Richard Bosetti call you a Civil Service

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| Page 177 | Page 179 |
| <p>1 K. Lamm</p> <p>2 rat?</p> <p>3 A. Around the same time frame.</p> <p>4 Q. Was it at the same time that</p> <p>5 Mr. Hesse called you that?</p> <p>6 A. Around the same time frame.</p> <p>7 Q. Okay. How about Mr. Gary</p> <p>8 Bosetti?</p> <p>9 A. Around the same time frame as</p> <p>10 well.</p> <p>11 Q. Was anyone present when Richard</p> <p>12 Bosetti called you a Civil Service rat?</p> <p>13 A. Yes.</p> <p>14 Q. Were you present?</p> <p>15 A. Yes.</p> <p>16 Q. Who else was present?</p> <p>17 A. Outside the police station, Tom</p> <p>18 Snyder.</p> <p>19 Q. Anybody else?</p> <p>20 A. There may have been others there,</p> <p>21 but I don't recall.</p> <p>22 Q. Who else -- who was present when</p> <p>23 Gary Bosetti called you a Civil Service rat?</p> <p>24 A. I don't recall.</p> <p>25 Q. Were you present?</p> | <p>1 K. Lamm</p> <p>2 A. No. There was a little more to</p> <p>3 it.</p> <p>4 Q. Tell us.</p> <p>5 A. Okay. He wanted to know if I</p> <p>6 went to Civil Service and said anything</p> <p>7 about him not being certified to try to make</p> <p>8 him go through the testing procedure, and I</p> <p>9 said, "No, I did not do that." He said,</p> <p>10 "Then who did it?" I said, "I don't know</p> <p>11 anything about this."</p> <p>12 Q. Gary Bosetti, did you ever talk</p> <p>13 to Gary Bosetti about him calling you a</p> <p>14 Civil Service rat?</p> <p>15 A. No.</p> <p>16 Q. Ever talk to George Hesse about</p> <p>17 him calling you a Civil Service rat?</p> <p>18 A. My only response was that I did</p> <p>19 not go to Civil Service.</p> <p>20 Q. Okay. So when Mr. Hesse called</p> <p>21 you a Civil Service rat, what, if anything,</p> <p>22 did you say at that point in time to</p> <p>23 Mr. Hesse?</p> <p>24 A. Not at that time. After I spoke</p> <p>25 to Richard Bosetti and later on sometime</p> |
| Page 178 | Page 180 |
| <p>1 K. Lamm</p> <p>2 A. I'm not sure.</p> <p>3 Q. Did you respond to Richard</p> <p>4 Bosetti when he called you a Civil Service</p> <p>5 rat?</p> <p>6 A. Yes. We spoke.</p> <p>7 Q. What did you say to him?</p> <p>8 A. He asked me a question if I did</p> <p>9 go to Civil Service, and my answer was no.</p> <p>10 Q. Was Tom Snyder present when</p> <p>11 Mr. Bosetti asked you this question?</p> <p>12 A. Tom Snyder was outside the police</p> <p>13 station. The conversation took place</p> <p>14 inside.</p> <p>15 Q. Now did Mr. Bosetti's</p> <p>16 communication regarding you being a Civil</p> <p>17 Service rat take place inside or outside the</p> <p>18 police station?</p> <p>19 A. When I walked into the police</p> <p>20 station, it was out -- it was outside.</p> <p>21 Q. Now was that the extent of your</p> <p>22 conversation with Mr. Bosetti, Richard</p> <p>23 Bosetti, you asked him -- he asked you if</p> <p>24 spoke to the Civil Service Department and</p> <p>25 you said no, is that the extent of it?</p> | <p>1 K. Lamm</p> <p>2 that night I said to George Hesse that I'm</p> <p>3 not the one that went to Civil Service. I</p> <p>4 don't know anything about it. I spoke to</p> <p>5 Richie.</p> <p>6 Q. Are you aware of anyone who went</p> <p>7 to Civil Service on this issue?</p> <p>8 MR. GOODSTADT: Objection.</p> <p>9 A. I'm not aware of anyone that did.</p> <p>10 But the only thing that led to the</p> <p>11 understanding of it was that there were</p> <p>12 officers from another department that were</p> <p>13 seeking employment with other town, village</p> <p>14 police departments, and when they found out</p> <p>15 they had to go through requirements for</p> <p>16 Civil Service, that's when it came about</p> <p>17 that they stated that you don't need these</p> <p>18 requirements to work in Ocean Beach.</p> <p>19 MO MR. NOVIKOFF: Motion to strike</p> <p>20 as nonresponsive.</p> <p>21 Q. Let's go to 164B. You allege</p> <p>22 that "Plaintiffs had conspired to inculpate</p> <p>23 innocent police officers for acts of</p> <p>24 brutality against innocent citizens (April</p> <p>25 2, 2006)." What did you mean when you used</p> |

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| Page 181 | Page 183 |
| <p>1 K. Lamm 2 the word "inculpate" -- 3 MR. GOODSTADT: Objection. 4 Q. -- in this allegation? 5 MR. GOODSTADT: Objection. 6 A. That may not specifically pertain 7 to me. 8 Q. Okay. So you don't think B 9 pertains to you? 10 A. It may not. There's five -- 11 there's five of us on this lawsuit. 12 Q. Sir, I'm asking you. This is 13 your deposition. Does subparagraph B apply 14 to you, because if it doesn't, then I can 15 move on to C. 16 MR. GOODSTADT: Objection. 17 A. No. Not me. 18 Q. Okay. Let's go to C, then. You 19 allege that Hesse and the OBPD asserted that 20 "Plaintiffs had conspired to disqualify 21 fellow officers from continued employment 22 with the OBPD without cause (April 2, 23 2006)." Does C apply to you? 24 MR. GOODSTADT: Objection. 25 A. Yes.</p> | <p>1 K. Lamm 2 A. I don't believe so. 3 Q. Okay. Let's look at D. When did 4 Mr. Hesse assert "Officer Lamm is a loser 5 and no one likes him"?</p> <p>6 A. He said that when he gave a case 7 of beer back to an underage minor, Paul 8 Conway, and to the friends of his outside 9 the police station. I heard Hesse say it 10 when I was standing behind his back.</p> <p>11 MO MR. NOVIKOFF: I'm going to 12 move to strike.</p> <p>13 Q. When, sir? What -- what time 14 period?</p> <p>15 A. It was the springtime. I believe 16 it was approximately 2004.</p> <p>17 Q. Okay. When did Mr. Hesse assert, 18 as you allege, that your, Officer Lamm's 19 "lawful directives should be freely 20 ignored"?</p> <p>21 A. At that same time when he gave a 22 case of beer back to the individuals on the 23 date I just stated.</p> <p>24 Q. Okay. Let's look at E. What 25 specific employer did Mr. Hesse advise, with</p> |
| Page 182 | Page 184 |
| <p>1 K. Lamm 2 Q. Okay. Then let me ask you a 3 question. What did Mr. Hesse say that forms 4 the basis for your allegation that he 5 asserted that "Plaintiffs had conspired to 6 disqualify fellow officers from continued 7 employment with the OBPD without cause"?</p> <p>8 A. Because I couldn't continue my 9 employment there. I -- I was seeking out a 10 full-time job there off that -- off a list, 11 and I couldn't continue employment because I 12 was fired.</p> <p>13 MO MR. NOVIKOFF: Well, motion to 14 strike.</p> <p>15 Q. I'm asking you, sir, 16 specifically, what did Mr. Hesse say which 17 you allege was published, that leads you to 18 form the allegation in C that "Plaintiffs 19 had conspired to disqualify fellow officers 20 from continuing employment with the OBPD 21 without cause"?</p> <p>22 A. I don't recall.</p> <p>23 Q. And is there anything in your 24 possession, custody or control that would 25 refresh your recollection?</p> | <p>1 K. Lamm 2 regard to you, that you were terminated for 3 cause and that you, Mr. Lamm, was litigious?</p> <p>4 A. Did you say E? We're looking at 5 E?</p> <p>6 Q. E, yeah. 164E.</p> <p>7 A. Okay. Can we go over that again, 8 please?</p> <p>9 MR. NOVIKOFF: You know what, 10 we got about a half minute left of the 11 tape. Why don't we change the tape, 12 stay here, and we'll get right back on 13 the record.</p> <p>14 THE VIDEOGRAPHER: This ends 15 tape number three. The time is 2:05 16 p.m. We're going off the record.</p> <p>17 (A break was taken.)</p> <p>18 THE VIDEOGRAPHER: This begins 19 tape number four. The time is 2:11 20 p.m. Back on the record.</p> <p>21 Q. Sir, what -- let's go back to 22 164E. You allege that "Defendant Hesse and 23 OBPD published defamatory statements about 24 Plaintiffs including without limitation 25 assertions that," now let's go to E. "By</p> |

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| Page 185 | Page 187 |
| <p>1 K. Lamm 2 repeatedly advising prospective employers 3 that he had terminated Plaintiffs for 4 cause," do you see that? 5 A. Yes. 6 Q. What employer did Mr. Hesse 7 advise -- withdrawn. What prospective 8 employer did Mr. Hesse advise that you, 9 Mr. Lamm, was terminated for cause? 10 A. That would be the unfavorable 11 recommendation that he wrote about on me 12 that I found out through Chris Moran to 13 Suffolk County application section. 14 Q. What you testified to this 15 morning? 16 A. Yes. 17 Q. Okay. What prospective employer 18 did Mr. Hesse advise that you, Mr. Lamm, 19 were "litigious"? 20 A. I don't recall at this time. 21 Q. Did Mr. Moran ever tell you that 22 Mr. Hesse told him that he had told the 23 Suffolk County Police Department that you 24 were "litigious"? 25 A. I don't recall.</p> | <p>1 K. Lamm 2 I was focusing on the -- 3 (The requested portion was read.) 4 A. It's just very disheartening that 5 I will never be a police officer again or 6 further myself in any type of law 7 enforcement capacity like that. That's it. 8 Q. Have you seen a mental health 9 professional concerning what you claim to be 10 the suffering of severe mental pain and 11 anguish? 12 A. No, I haven't. 13 Q. Have you seen any medical 14 professional concerning what you claim to be 15 the suffering of severe mental anguish and 16 pain? 17 A. No, I haven't. 18 Q. What financial obligations have 19 you been unable to meet as a result of the 20 defamatory conduct -- communications that 21 you allege to have taken place as you 22 testified to? 23 MR. GOODSTADT: Objection. 24 A. That one statement may not 25 pertain to me directly.</p> |
| Page 186 | Page 188 |
| <p>1 K. Lamm 2 Q. What prospective employer did 3 Mr. Hesse advise that with regard to you, 4 Mr. Lamm, that he could not comment 5 favorably on your performance as a police 6 officer? 7 A. That -- that one thing may not 8 pertain to me. 9 Q. Okay. Let's go to paragraph 168. 10 Without going through, again, what the 11 alleged defamatory comments were that you've 12 testified to, how have they caused you 13 "severe mental anguish and pain" as you 14 allege in 168? 15 MR. GOODSTADT: Objection. 16 A. The fact -- the fact that I'll 17 never be a police officer again. 18 Q. No. I understand that. But my 19 question is -- well, okay. I'll ask you 20 this question then. Describe the severe 21 mental anguish and pain that you have 22 suffered as a result of the defamatory 23 communications that you've testified to 24 today. 25 A. I'm sorry, can you repeat that?</p> | <p>1 K. Lamm 2 Q. Well, may not or does not? 3 A. Does not. 4 Q. Okay. Is it your claim in this 5 case that because of the alleged defamatory 6 communications testified to today, that you 7 have been prevented from enjoying life? 8 A. Yes. I enjoyed my life as a 9 police officer and I am no longer a police 10 officer. 11 Q. So is it your claim in this case 12 that as of the date of the alleged 13 defamatory statements that you claim to have 14 been made, you stopped enjoying all aspects 15 of life? 16 MR. GOODSTADT: Objection. 17 A. I enjoyed my life as a police 18 officer. 19 Q. My question to you, sir, is, have 20 you stopped enjoying all aspects of life as 21 a result of the alleged defamatory 22 statements you claim to be made by 23 Mr. Hesse? 24 MR. GOODSTADT: Objection. 25 A. I was forced to stop enjoying</p> |

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| Page 189 | Page 191 |
| <p>1 K. Lamm 2 life as a police officer. 3 Q. Okay. So other than enjoying 4 life as a police officer, you continue to 5 enjoy life? 6 MR. GOODSTADT: Objection. 7 A. As -- as best as I can. 8 Q. Okay. What emotional injury have 9 you suffered as you allege it to have taken 10 place in 168? 11 MR. GOODSTADT: Objection. 12 A. The injury knowing that I will 13 never be a police officer or work in a law 14 enforcement capacity again. 15 Q. Other than that, any other 16 emotional injury that you claim to have 17 been -- have suffered in this case as a 18 result of the defamatory statements by 19 Mr. Hesse? 20 MR. GOODSTADT: Same objection. 21 A. That is all. 22 Q. Okay. Let's look at -- well, do 23 you recall alleging a claim for relief in 24 this Complaint, asserting a violation by the 25 Ocean Beach Police Department and the -- and</p> | <p>1 K. Lamm 2 activities, policies and practices of OBPD, 3 Ocean Beach and Defendant Hesse, which 4 create a substantial and specific danger to 5 the public health and safety and which 6 violate applicable laws, rules and 7 regulations including," do you see that? 8 A. Yes, I do. 9 Q. Let's look at number one. 10 "Police officers drinking while on duty (in 11 the police station, in local bars and while 12 driving OBPD vehicles both inside and out of 13 Ocean Beach)." How many times did you, 14 Mr. Lamm, personally witness police officers 15 drinking while on duty in the police 16 station? I'm just looking for a number now. 17 A. You're gonna get it. 18 Q. Okay. 19 A. Approximately seven times. 20 Q. How many times in 2000? 21 A. In 2000. I don't recall in 2000. 22 Q. How many times in 2001, if any? 23 A. I don't recall in 2001. 24 Q. How many times in 2001? 25 MR. GOODSTADT: Objection.</p> |
| Page 190 | Page 192 |
| <p>1 K. Lamm 2 the village of Ocean Beach under the New 3 York Labor Law, Section 740? 4 A. I don't recall. 5 Q. Turn to page 38. Read the bolded 6 language in the parentheticals under "Ninth 7 Cause of Action" and tell me if that 8 refreshes your recollection? 9 A. (Reviewing). Which number was 10 that? 11 Q. Page 38 of your Complaint. 12 MR. GOODSTADT: He's talking 13 about these two bolded lines 14 (indicating). 15 A. What about it? 16 Q. Does reading that one line that 17 your counsel pointed to refresh your 18 recollection as to whether you have claimed 19 in this case that Defendants have violated 20 New York State Labor Law, Section 40? 21 A. I don't recall. 22 Q. Okay. Let's look at 158, and 23 I'll read what you've alleged. "While 24 employed by the OBPD and Ocean Beach, 25 Plaintiffs had repeated exposure to</p> | <p>1 K. Lamm 2 Asked and answered. 3 Q. Did I ask you 2000 -- oh, yeah. 4 I'm sorry. How many times in 2002? 5 A. I believe twice. 6 Q. How many times in 2003? 7 A. I think twice. 8 Q. How many times in 2004? 9 A. Three times. 10 Q. How many times in 2005? 11 A. I don't recall 2005. 12 Q. How many times in 2006? 13 A. Didn't work there 2006. 14 Q. How many times did you see police 15 officers drinking in local bars while you 16 were employed by Ocean Beach? 17 A. For what year? 18 Q. All years, and then we'll break 19 it down. While on duty now. This is all 20 I'm interested in. 21 A. Approximately in the area of 10. 22 Q. How many times in 2000 zero? How 23 many times in 2000? 24 A. I don't recall. 25 Q. How many times in 2001?</p> |

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| Page 193 | Page 195 |
| <p>1 K. Lamm 2 A. I don't recall. 3 Q. How many times in 2002? 4 A. Two or three times. 5 Q. How many times in '03? 6 A. Approximately four times. 7 Q. How many times in '04? 8 A. Approximately four. 9 Q. How many times in '05? 10 A. Don't recall 2005. 11 Q. Now let's look at 159. You 12 allege that "Plaintiffs repeatedly notified 13 Hesse, their superior and direct superior, 14 of these violations of laws, rules and 15 regulations," do you see that? 16 MR. GOODSTADT: Objection. 17 A. Yes. 18 Q. That's a truthful and accurate 19 statement, sir? 20 A. On behalf of myself, yes. 21 Q. Yeah. Again, all I'm asking you 22 is about you now. Is that a truthful and 23 accurate statement? 24 A. Yes. 25 Q. And when you say -- you use the</p> | <p>1 K. Lamm 2 Q. By Mr. Hesse? 3 A. Yes. 4 Q. So other than Mr. Bockelman on 5 that one -- was it only one occasion that 6 you complained to Mr. Bockelman? 7 A. I believe it was twice. 8 Q. Twice. When? What year did you 9 first complain to Mr. Bockelman? 10 A. I think it was -- I believe it 11 was 2004. 12 Q. And the second time you 13 complained to Bockelman? 14 A. Of the same year. 15 Q. Okay. So if 159 is correct, you 16 complained to only Mr. Hesse in 2002, 17 correct, about 158, 1? 18 A. Only to Hesse and -- 19 Q. No. In -- in 2002 I'm talking 20 about. I'll -- I'll rephrase the question. 21 If 159 is correct, in 2002, you only 22 complained to Mr. Hesse concerning on duty 23 officers drinking in the police station and 24 in local bars, correct? 25 MR. GOODSTADT: Objection.</p> |
| Page 194 | Page 196 |
| <p>1 K. Lamm 2 phrase "their superior and direct superior," 3 you're just referring to George Hess, right? 4 MR. GOODSTADT: It says "direct 5 supervisor." 6 Q. Oh, I'm sorry. When you use the 7 phrase "their superior and direct 8 supervisor," you're referring to Mr. Hess? 9 A. Mr. Hess, and also, whoever he 10 may have directed to be supervisor that 11 night if he wasn't there. 12 Q. Okay. Well, with regard to -- 13 Mr. Lamm, to you, Mr. Lamm, did you ever 14 repeatedly complain to anyone other than 15 Mr. Hess with regard to 158, 1? 16 A. Another officer. 17 Q. Yes. 18 A. Yes. 19 Q. Who? 20 A. Ken Bockelman. 21 Q. Was Ken Bockelman a supervisor of 22 that night shift at that time you complained 23 to him? 24 A. He was put in charge of that 25 night.</p> | <p>1 K. Lamm 2 He's the only superior or supervisor. 3 MR. NOVIKOFF: I don't know 4 what you mean. You got an objection, 5 that's fine. 6 Q. Sir, the question is -- and I'll 7 repeat it -- if 159 is correct, then the 8 only person in 2002 that you complained to 9 was Mr. Hess concerning police officers 10 drinking while on duty in the police station 11 and in local bars? 12 MR. GOODSTADT: Objection. 13 A. At that time for 2002, something 14 was said to Hess. Yes. 15 Q. Right. Only -- only asking about 16 you now. And if 159 is correct, then in 17 2003 the only person that you complained to 18 with regard to police officers drinking 19 while on duty in the police station and in 20 local bars was Mr. Hess, correct? 21 A. Correct. 22 Q. In 2004, you would have 23 complained to Mr. Hess and on two occasions 24 Mr. Bockelman? 25 A. Correct.</p> |

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1 K. Lamm
 2 Q. Okay. Do you have any -- well,
 3 were you present in an OBPD vehicle while it
 4 was in motion that a police officer, while
 5 on duty, was drinking?
 6 A. Yes, I was.
 7 Q. Okay. On how many occasions were
 8 you present in a moving Ocean Beach Police
 9 Department vehicle when a police officer who
 10 was on duty was drinking?
 11 A. Twice.
 12 Q. What -- when was the first time
 13 that you were present?
 14 A. 2003.
 15 Q. When was the second time?
 16 A. Later of that same year.
 17 Q. Okay. When you say "later of
 18 that same year," are you referring to --
 19 A. Later in the season.
 20 Q. Okay. The first time in 2003,
 21 when in the season did you -- were you
 22 present?
 23 A. Towards the beginning of the
 24 season.
 25 Q. Okay. That would have been when?

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1 K. Lamm
 2 Q. Sir, you're the police officer.
 3 In your opinion, was Mr. Bosetti, on either
 4 of these two occasions, inebriated while
 5 driving the OBPD vehicle in which you were
 6 present?
 7 A. Depending on what he had
 8 beforehand, you know, I don't know how much
 9 he drank beforehand, but --
 10 Q. Given your observation of him,
 11 did you have an opinion as to whether or not
 12 he was inebriated?
 13 A. The first time I would say no.
 14 Q. The second time?
 15 A. The second time I would have to
 16 say yes.
 17 Q. Okay. And this was in 2003,
 18 correct?
 19 A. That's correct.
 20 Q. And who else, if anybody, was
 21 present in the vehicle the first time?
 22 A. I don't recall.
 23 Q. Who else, if anybody, was present
 24 in the vehicle the second time?
 25 A. I don't recall at this time.

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1 K. Lamm
 2 When's -- when do you view the beginning of
 3 the season to be?
 4 A. I'm going to go with the
 5 beginning of the season somewhere around the
 6 month of May, June.
 7 Q. Okay. And who was driving the
 8 vehicle?
 9 A. Rich Bosetti.
 10 Q. Was he driving the vehicle on
 11 both occasions in 2003?
 12 A. Yes.
 13 Q. Was he drinking while he was
 14 driving?
 15 A. Yes.
 16 Q. Okay. Did he physically have a
 17 container of alcohol in his hand while he
 18 was driving?
 19 A. Yes. Labeled "Budweiser."
 20 Q. Okay. So he had a Budweiser.
 21 Was he, in your opinion, inebriated while he
 22 was driving on either of these two
 23 occasions?
 24 A. Depending on how much he had, you
 25 know.

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1 K. Lamm
 2 Q. Where were you sitting?
 3 A. Back seat.
 4 Q. Both times?
 5 A. Yes.
 6 Q. Do you know if anyone was present
 7 in the front seat?
 8 A. There was, but I don't recall who
 9 it was.
 10 Q. Okay. So now you know that
 11 someone was present, but you don't know who
 12 it was?
 13 A. Yes.
 14 Q. Okay. With regard to the second
 15 occasion -- well, would it -- would it be
 16 fair, sir, that if 159 of your Complaint is
 17 accurate, you complained only to George
 18 Hesse on each of these occasions that
 19 Mr. Bosetti was driving with a Budweiser can
 20 in his hand?
 21 A. Yes.
 22 Q. Okay. Now the second time when
 23 Mr. Bosetti, in your opinion, was
 24 inebriated, did you advise Mr. Hesse that he
 25 was inebriated?

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| Page 201 | Page 203 |
| <p>1 K. Lamm 2 A. Yes. 3 Q. Did you attempt to arrest 4 Mr. Richie Bosetti for driving under the 5 influence of alcohol? 6 A. No. 7 Q. Is driving with an open container 8 a violation of the law? 9 A. The open container -- 10 Q. Is driving with an open container 11 of alcohol -- 12 A. -- occurred outside the village 13 of Ocean Beach, which is outside our 14 jurisdiction. 15 Q. Sir, is, to your knowledge, 16 driving in New York State with an open 17 container of alcohol a violation of the law? 18 A. Yes, it is. 19 Q. Okay. Would you agree with me 20 that it's a violation of New York State law 21 to drive while inebriated? 22 A. Yes. 23 Q. Okay. Now the first time that 24 Mr. Bosetti was driving in your presence, 25 where was the -- where was the vehicle in</p> | <p>1 K. Lamm 2 property, is that your testimony? 3 A. Yes. And it's also Suffolk 4 County as well. 5 Q. Okay. Second time, where -- 6 when did Mr. Bosetti begin his journey in 7 this car, in this vehicle? 8 A. Started in Ocean Beach. 9 Q. Was he inebriated, in your 10 opinion, when he started the vehicle up in 11 Ocean Beach? 12 A. I don't know. That I don't know. 13 Q. Where did the vehicle end up? 14 A. The Fire Island Lighthouse. 15 Q. Okay. The second time when you 16 complained to Mr. Hesse about Mr. Bosetti 17 specifically being inebriated, what was 18 Mr. Hesse's reaction? 19 A. He says, "I'll take care of it." 20 Q. And did he? 21 A. I don't know if he ever spoke to 22 him or not. 23 Q. Okay. Would you agree with me 24 that someone driving in a car under the 25 state of alcohol -- withdrawn. Would you</p> |
| Page 202 | Page 204 |
| <p>1 K. Lamm 2 motion when you saw that Mr. Bosetti was 3 drinking a Budweiser? 4 A. On the beach. 5 Q. In Ocean Beach? 6 A. It was outside of Ocean Beach. 7 Q. Where did the vehicle start its 8 journey from, sir? 9 A. Ocean Beach. 10 Q. Did Mr. Bosetti wait until he 11 went outside the jurisdiction of Ocean Beach 12 before he opened up the can of Budweiser? 13 A. Exactly when the can was opened I 14 don't know, but when I saw him drink it, it 15 was outside of Ocean Beach. 16 Q. What jurisdiction was Mr. Bosetti 17 in in the car when he had the open container 18 of alcohol? 19 A. National seashore. 20 Q. National seashore? 21 A. Yes. 22 Q. Is that a village? 23 A. No. It's federal property. 24 Q. Oh, so Mr. Bosetti was driving 25 with an open container of alcohol on federal</p> | <p>1 K. Lamm 2 agree with me that someone driving a vehicle 3 in an inebriated state poses a severe and 4 significant risk to the public? 5 A. Yes. 6 Q. Okay. Did you complain to 7 sergeant -- to Chief Paridiso about this -- 8 about the fact that Mr. Bosetti was driving 9 a village vehicle while drunk? 10 A. No. I spoke to George Hesse, my 11 supervisor. The chain of command. 12 Q. Did you complain to Mr. Paridiso, 13 sir? 14 A. No. I spoke to George Hesse, my 15 supervisor, chain of command. 16 Q. Did you complain to Mayor Rogers, 17 sir? I understand. 18 MR. GOODSTADT: You got to let 19 him finish the answer. You can make 20 your -- 21 MR. NOVIKOFF: He says he's 22 complained to Mr. Hesse. 23 MR. GOODSTADT: You can make 24 your motion to strike if you want, but 25 you got to let the guy finish his</p> |

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| <p>1 K. Lamm 2 answer. 3 Q. My question, sir, yes or no, for 4 the jury, if you want to look at the jury -- 5 A. I've already answered it. 6 Q. Did you complain to Chief 7 Paridiso about the fact that you witnessed 8 Richard Bosetti driving drunk in a Ocean 9 Beach vehicle? 10 A. No. I responded -- spoke to 11 George Hesse, my immediate supervisor. Went 12 through the chain of command. 13 MO MR. NOVIKOFF: Motion to strike 14 as nonresponsive after the word "no." 15 Q. Sir, did you complain to any 16 trustee concerning the fact that you 17 witnessed Richard Bosetti driving drunk in a 18 village vehicle? 19 A. No. 20 Q. Did you complain to Mayor Rogers 21 concerning the fact that you witnessed 22 May -- Richard Bosetti driving drunk in a 23 village vehicle? 24 A. No. 25 Q. Would you agree with me, sir,</p> | <p>Page 205</p> <p>1 K. Lamm 2 didn't take care of the situation in 2003, 3 did he? 4 A. I don't know what he said to 5 them. 6 Q. Well, sir, they -- according to 7 your testimony, you witnessed in 2004 8 incidents of police officers drinking while 9 on duty, correct? 10 A. Yes. 11 Q. Would that lead you to conclude 12 that Mr. Hesse didn't take care of the 13 situation after you complained to him in 14 2003? 15 A. I don't know what he had said to 16 them. 17 Q. Would you agree with me, sir, 18 that the fact that the drinking continued in 19 2004, would mean that Mr. Hesse didn't take 20 care of the situation in 2003? 21 A. I don't know what he could have 22 said to them. I don't know if there was any 23 -- any type of punishment given. I don't 24 know. 25 Q. Okay. Would you agree with me,</p> |
| <p>1 K. Lamm 2 that -- well, is it your opinion, sir, that 3 a -- a police officer who is drinking while 4 on duty, in any setting, poses a risk to the 5 public health and safety? 6 A. Yes. 7 Q. Did you ever complain to any 8 trustee concerning your witnessing, on no 9 less than 17 occasions, the fact that police 10 officers were drinking while on duty? 11 A. No. 12 Q. Can you tell the jury, sir, who's 13 going to see this videotape, whether or not 14 you ever complained to either Trustee 15 Loeffler or Mayor Rogers concerning the fact 16 on no less than 17 occasions, you saw on 17 duty police officers drinking alcoholic 18 beverages? 19 A. No. I spoke to Sergeant Hesse, 20 who was my immediate supervisor, and he 21 stated he would take care of the situation. 22 Chain of command. 23 MO MR. NOVIKOFF: Motion to strike 24 as nonresponsive after the word "no." 25 Q. But you know what, sir, Mr. Hesse</p> | <p>Page 206</p> <p>1 K. Lamm 2 sir -- withdrawn. Let's look at 158, 2. 3 You allege that "failure to follow 4 department policy regarding proper 5 supervision of police weapons." What policy 6 are you referring to? 7 A. (Reviewing). There would be 8 loaded weapons upstairs in the police 9 barracks with the lockers open. 10 Q. Yes. I'm aware of what you're 11 alleging. But my question is, what policy 12 regarding proper supervision of police 13 weapons are you referring to? What is the 14 specific policy? 15 A. I can't recall at this time. 16 Q. Okay. Now was this policy that 17 you can't recall at this -- well, 18 withdrawn. Is there anything in your 19 custody, possession or control that would 20 refresh your recollection as to what the 21 specific policy was? 22 A. Not that I'm aware of. 23 Q. Well, was this policy that you 24 don't recall at this point in time, violated 25 in 2000?</p> |

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| Page 209 | Page 211 |
| <p>1 K. Lamm 2 A. No. 3 Q. 2001? 4 A. No. 5 Q. 2002? 6 A. No. 7 Q. 2003? 8 A. No. 9 Q. 2004? 10 A. I believe that is somewhere 11 around the time frame. 12 Q. 2005? 13 A. I don't recall. 14 Q. How many times in 2004 was this 15 policy violated that you are aware of? 16 A. I'm not sure the specific number. 17 Q. Was it at least one? 18 A. Yes. 19 Q. If 159 of your Complaint is 20 accurate, did you complain to George Hesse? 21 I'm sorry, was George Hesse the only person 22 you complained to? 23 A. Yes. 24 Q. Okay. When in 2004 did you 25 complain to Mr. Hesse for the first time?</p> | <p>1 K. Lamm 2 that he was a known drug dealer? 3 A. From Hesse. 4 Q. What did he -- okay. Go ahead. 5 I don't mean to interrupt. From Hesse. 6 Continue. 7 A. From Hesse, he said that he gets 8 his information from Mitch Burns because he 9 had these Fentanyl lollipops that he has 10 been handing out, and he was -- we were told 11 not to touch him. 12 Q. Any other source, other than what 13 Mr. Hesse said, that leads you to believe 14 that Mitch Burns is a known drug dealer? 15 A. I can't recall at this time. 16 Q. What's a Fentanyl lollipop? 17 A. To my understanding, it was some 18 type of relaxer that was a drug in the shape 19 of a lollipop on a stick. 20 Q. Okay. When you say -- when you 21 say "relaxer," what do you mean? 22 A. That was my only understanding of 23 it. Just made you seem relaxed. I don't 24 know. Don't know too much about it. 25 Q. But if I understand your</p> |
| Page 210 | Page 212 |
| <p>1 K. Lamm 2 MR. GOODSTADT: Objection. 3 A. Approximately in the middle of 4 the summer season. 5 Q. Okay. Look at number three, sir. 6 You allege "directives from Hesse insisting 7 that police officers allow drug dealers and 8 other criminals to violate the law with 9 impunity in Ocean Beach," do you see that? 10 A. Yes, I do. 11 Q. When you use the word 12 "directive," is it a written directive or a 13 verbal directive? 14 A. Verbal. 15 Q. Okay. Did Mr. Hesse give you 16 a -- well, withdrawn. What drug dealer, if 17 any, are you referring to when you make this 18 allegation? 19 A. Mitch Burns. 20 Q. And Mitch Burns, is he -- has he 21 been convicted of anything, to your 22 knowledge? 23 A. I don't recall. 24 Q. So if you don't recall if he's 25 been convicted of anything, how do you claim</p> | <p>1 K. Lamm 2 testimony correctly, you are aware -- you 3 were aware in 2004 that there was someone on 4 Ocean Beach handing out lollipops that were 5 illegal narcotics; is that true? 6 A. How many of them, I don't know. 7 Q. I didn't ask you how many. I 8 just said -- and I'll re-ask the question -- 9 if I understand your testimony correctly, 10 you were aware, in 2004, that there was an 11 individual in Ocean Beach that was handing 12 out at least one lollipop that was really an 13 illegal narcotic; is this correct? 14 A. I only knew that from George 15 Hesse. 16 Q. Okay. So you knew that from 17 George Hesse? 18 A. Only from George Hesse. 19 Q. You didn't think it would have 20 been appropriate to advise Chief Paridiso 21 that there was a known drug addict handing 22 out lollipops that were illegal narcotics? 23 MR. GOODSTADT: Objection. 24 A. I am sure George Hesse, being 25 that he's a supervisor, would take care of</p> |

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1 K. Lamm
 2 that and make the proper memorandums.
 3 Q. Wait a minute. Let me understand
 4 your testimony. On one hand, Mr. Hesse is
 5 telling you to lay off a known drug dealer,
 6 and on the other hand you're saying you were
 7 sure that Mr. Hesse was going to go up the
 8 chain of command with this information, is
 9 that your testimony?
 10 A. My testimony was that we were
 11 told to stay away from Mitch Burns, but at
 12 the same fact, through George Hesse, he said
 13 that he has what is called a Fentanyl
 14 lollipop.
 15 Q. Okay.
 16 A. Okay?
 17 Q. I think I got your answer. So,
 18 again, is it your testimony that you knew,
 19 you were aware through Mr. Hesse that there
 20 was a known drug dealer handing out illegal
 21 narcotics in the form of a lollipop and you
 22 didn't advise Chief Paridiso?
 23 A. I don't know if he was handing
 24 them out. As I said, it was only
 25 information from George Hesse.

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1 K. Lamm
 2 being in a position of authority that there
 3 was a drug dealer on Ocean Beach possessing
 4 an illegal narcotic in the form of a
 5 lollipop, true?
 6 A. No. I did nothing.
 7 Q. And in fact, this is a lollipop,
 8 sir, correct, that you were referring to,
 9 right?
 10 A. Again --
 11 Q. Right? It was a lollipop?
 12 A. Again, I don't know the specifics
 13 of it.
 14 Q. Well, Mr. Hesse said he had a
 15 lollipop, right? Mr. Hesse said that
 16 Mr. Burns had an illegal narcotic in the
 17 shape of a lollipop, correct?
 18 A. Whether it was on him or not, I
 19 don't know.
 20 Q. Lollipops, in your experience,
 21 are things that children like to eat and
 22 suck on, correct?
 23 A. Not all children, but maybe.
 24 Q. Not all, but some children, you'd
 25 agree with me, right? When you were a

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1 K. Lamm
 2 Q. Did you advise Chief Paridiso of
 3 anything with regard to a known drug dealer
 4 possessing an illegal narcotic in the form
 5 of a lollipop?
 6 A. No.
 7 Q. And you didn't advise Mayor
 8 Rogers, did you?
 9 A. No.
 10 Q. And you didn't advise any
 11 internal affairs officer of the Suffolk
 12 County Police Department, did you?
 13 A. No.
 14 Q. And you didn't advise anyone from
 15 the Suffolk County Police Department, did
 16 you?
 17 A. No.
 18 Q. In fact, other than complaining
 19 to George Hesse as you allege, you did
 20 nothing, correct?
 21 A. I listened to what George Hesse
 22 said.
 23 Q. Other than complaining to George
 24 Hesse as you claim in 159, you did nothing
 25 with regard to advising any other human

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1 K. Lamm
 2 child, did you suck on a lollipop?
 3 MR. GOODSTADT: Objection.
 4 A. Maybe I have.
 5 Q. Okay. Wasn't it a concern of
 6 yours that there was a person, according to
 7 Mr. Hesse, on Ocean Beach, that had an
 8 illegal narcotic that looked like a
 9 lollipop, that God forbid a child would have
 10 found on the street and started eating,
 11 wasn't that a concern of yours as a police
 12 officer?
 13 MR. GOODSTADT: Objection.
 14 A. Lots of things could have --
 15 could have happened I'm sure.
 16 Q. I'll take that as a yes.
 17 MR. GOODSTADT: Objection.
 18 Q. Let's look at 160. I'm sorry,
 19 162. What promotional opportunities were
 20 you denied of as a direct and proximate
 21 result of what you alleged in 158, 159, 160
 22 and 161?
 23 A. Promotional opportunities could
 24 have been my full-time position with Ocean
 25 Beach.

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|---|---|
| Page 217 | Page 219 |
| <p>1 K. Lamm</p> <p>2 Q. Were you ever offered a full-time</p> <p>3 position at Ocean Beach?</p> <p>4 A. No.</p> <p>5 Q. Did a full-time position ever</p> <p>6 open up at Ocean Beach while you were</p> <p>7 employed by Ocean Beach?</p> <p>8 A. After I was fired.</p> <p>9 Q. Okay. My question to you, sir,</p> <p>10 is before the time that you -- that your</p> <p>11 employment relationship with Ocean Beach</p> <p>12 ended, did a full-time position open up at</p> <p>13 Ocean Beach?</p> <p>14 A. There was a full-time position</p> <p>15 open because before I was fired, George</p> <p>16 Hesse made mention that the village was</p> <p>17 looking to hire somebody full time.</p> <p>18 Q. And how long before the end of</p> <p>19 your employment relationship did George</p> <p>20 Hesse make this comment?</p> <p>21 A. Approximately four months.</p> <p>22 Q. And was that position filled</p> <p>23 before the date that your employment</p> <p>24 relationship ended?</p> <p>25 A. Not that I'm aware of. I</p> | <p>1 K. Lamm</p> <p>2 A. A cop is a cop.</p> <p>3 Q. That's your position, a cop is a</p> <p>4 cop?</p> <p>5 A. That's correct. My certificate</p> <p>6 says so, which the uncertified officers</p> <p>7 didn't have.</p> <p>8 Q. Suffolk County never hired you,</p> <p>9 did you -- did they?</p> <p>10 A. I went to their academy and was</p> <p>11 trained by them. The ones that are working</p> <p>12 there, they don't have the certificate, I</p> <p>13 do.</p> <p>14 Q. Suffolk County never hired you,</p> <p>15 did you -- did they?</p> <p>16 A. I completed their academy after</p> <p>17 seven months.</p> <p>18 Q. Did they ever hire you, sir?</p> <p>19 A. For the academy I was.</p> <p>20 Q. Did they ever hire you as a</p> <p>21 police officer?</p> <p>22 A. No, they didn't.</p> <p>23 Q. Nassau County ever hire you as a</p> <p>24 police officer?</p> <p>25 A. Never applied there.</p> |
| Page 218 | Page 220 |
| <p>1 K. Lamm</p> <p>2 wouldn't know.</p> <p>3 Q. Okay. Well, did you learn, prior</p> <p>4 to the last day of your employment, that</p> <p>5 that full-time position had been filled?</p> <p>6 A. Not that I'm aware of.</p> <p>7 Q. And do you really believe that</p> <p>8 you had the requisite skill set to be given</p> <p>9 a full-time position with the Ocean Beach</p> <p>10 Police Department?</p> <p>11 A. Sure.</p> <p>12 Q. Okay. You were a part-time cop,</p> <p>13 weren't you?</p> <p>14 A. Yes.</p> <p>15 Q. Never had a full-time position as</p> <p>16 a police officer, did you?</p> <p>17 A. Depends how you specify full</p> <p>18 time.</p> <p>19 Q. Were you ever a consistent 40</p> <p>20 hour per week police officer for an entire</p> <p>21 year?</p> <p>22 A. No.</p> <p>23 Q. In fact, you were just a summer</p> <p>24 cop, right?</p> <p>25 MR. GOODSTADT: Objection.</p> | <p>1 K. Lamm</p> <p>2 Q. New York City ever hire you as a</p> <p>3 police officer?</p> <p>4 A. Never applied there.</p> <p>5 MR. GOODSTADT: Why don't we go</p> <p>6 through every jurisdiction in the</p> <p>7 country.</p> <p>8 MR. NOVIKOFF: I may.</p> <p>9 MR. GOODSTADT: Okay.</p> <p>10 A. Cool.</p> <p>11 Q. Westchester County ever hire you?</p> <p>12 A. Never applied there.</p> <p>13 Q. Any other police officer in the</p> <p>14 entire land ever hire you as a police</p> <p>15 officer before you became 35?</p> <p>16 A. No.</p> <p>17 Q. Haven't you been referred to as a</p> <p>18 glorified security guard while you were</p> <p>19 working for Ocean Beach?</p> <p>20 A. By who?</p> <p>21 Q. By anybody?</p> <p>22 A. I don't recall.</p> <p>23 Q. You don't recall? You mean it's</p> <p>24 a possibility?</p> <p>25 A. I don't recall.</p> |

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1 K. Lamm
2 Q. In your presence, isn't it true
3 that you were referred to as a glorified
4 security guard while you were working for
5 Ocean Beach?

6 A. I don't recall.

7 Q. Okay. Let's look at your eighth
8 cause of action. Do you recall alleging a
9 violation of the New York Civil Service Law,
10 Section 75-B in this lawsuit?

11 A. I don't recall.

12 Q. Page 37 of your Complaint. Just
13 read the bold language in the parentheticals
14 and tell me if you recall.

15 A. (Reviewing). The bold letters,
16 no, I don't recall.

17 Q. Okay. 155, you allege the
18 following, "Defendants' termination of
19 Plaintiffs' employment was a -- was an
20 "adverse personnel action" taken in
21 violation of New York Civil Service Law 75-B
22 on the sole basis that Plaintiffs each
23 disclosed what they reasonably believed to
24 be "improper governmental action" as that
25 term is defined in New York Civil Service

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1 K. Lamm
2 Law, Section 75-B," do you see that?
3 A. I see it.

4 Q. Who did you, Mr. Lamm, disclose
5 the "improper governmental action" to?

6 MR. GOODSTADT: Objection.

7 A. I don't recall at this time.

8 Q. Do you recall is there anything
9 in your custody, possession or control that
10 would refresh your recollection?

11 A. Not that I'm aware of.

12 Q. Do you have an understanding as
13 to what the phrase "improper governmental
14 action" means as you use it in paragraph
15 155?

16 A. Yes.

17 MR. GOODSTADT: Objection.

18 Q. What is your understanding?

19 A. Not done correctly.

20 Q. What was not done correctly?

21 A. What it states here.

22 Q. It doesn't state anything in
23 paragraph 155, other than the fact that you
24 disclosed what you reasonably believed to be
25 "improper governmental action." So I ask

1 K. Lamm
2 the question again, sir, when you use the
3 words "improper governmental action," what
4 do you mean?
5 MR. GOODSTADT: Objection.
6 A. Not ethical.
7 Q. Is that it, not ethical?
8 A. That's it.
9 Q. Let's look at -- on page 36,
10 paragraph 148. You allege, in part,
11 "Defendants Hesse, Loeffler, OBPD, Ocean
12 Beach, Sanchez and Suffolk County Civil
13 Service subjected Plaintiffs to arbitrary
14 and irrational discrimination by selectively
15 terminating Plaintiffs' employment with a
16 malicious or bad faith intent to injure
17 Plaintiffs," do you see that?
18 A. Yes.
19 Q. Simple question, sir, how did
20 Loeffler subject you, Mr. Lamm, to arbitrary
21 and irrational discrimination by selectively
22 terminating you in April of 2 -- on April 2,
23 2006 as you've alleged?
24 MR. GOODSTADT: Objection.
25 A. Don't know for sure.

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1 K. Lamm
2 Q. What evidence do you have that
3 Mr. Loeffler acted in bad faith as you sit
4 here today, other than the fact that you say
5 you were terminated on April 2 of 2006?

6 A. I don't know.

7 Q. Other than the fact that you were
8 terminated as you say on April 2, 2006, what
9 evidence do you have that Mr. Loeffler acted
10 maliciously with regard to anything
11 involving you?

12 MR. GOODSTADT: Objection.

13 A. I don't know.

14 MR. GOODSTADT: Whenever is a
15 good time, Ken, can we just take a
16 break?

17 MR. NOVIKOFF: One more
18 question.

19 MR. GOODSTADT: Yup. Yup.
20 That's why I said whenever's a good
time.

22 MR. NOVIKOFF: 149. Actually,
23 you know what, I don't need to go over
24 149. Let's take a five-minute break.
25 MR. GOODSTADT: That's fine.

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| 1 K. Lamm 2 MR. NOVIKOFF: How much time is 3 left on the -- on the tape? 4 THE VIDEOGRAPHER: 16 minutes. 5 MR. NOVIKOFF: Okay. 6 THE VIDEOGRAPHER: The time is 7 2:56 p.m. Going off the record. 8 (A break was taken.) 9 (Mr. Gray, general counsel for 10 Ocean Beach, entered the deposition.) 11 THE VIDEOGRAPHER: This begins 12 tape number five. The time is 3:16 13 p.m. Back on the record. 14 Q. Sir, who do you presently work 15 for? 16 A. Town of Islip. 17 Q. Any particular department within 18 the Town of Islip? 19 A. Airport. 20 Q. Are you a security guard? 21 A. Yes. 22 Q. When did you first start working 23 for Town of Islip? 24 A. 2005. 25 Q. At MacArthur Airport? | Page 225 | 1 K. Lamm 2 speaking out in opposition to the regime of 3 endemic corruption within the Police -- 4 Ocean Beach Police Department ("OBPD" or the 5 "department")." Do you see that? 6 A. Yes. 7 Q. What did you mean by "blue wall 8 of silence"? 9 A. Because if we were to talk about 10 anything, well, this is what happened. We 11 lost our jobs. 12 Q. No. I understand that. When you 13 say "blue wall of silence," what are you 14 referring to? 15 A. That everybody else there in the 16 department was just quiet and wouldn't, you 17 know, raise the fact of issues of what was 18 happening, so we did. 19 Q. Well, you refer to a duty to 20 protect the public by speaking out in 21 opposition, do you see that? 22 A. Yes. 23 Q. Other than talking to Mr. Hesse, 24 you didn't do anything with regard to your 25 knowledge that there was a known drug dealer | Page 227 |
| 1 K. Lamm 2 A. Yes. 3 Q. As a security guard? 4 A. Yes. 5 Q. So you've been a security guard 6 throughout your tenure at -- at the Town of 7 Islip? 8 A. Yes. 9 Q. Okay. Let's go to the Complaint, 10 sir. Actually, before we go to the 11 Complaint, have you been up for any 12 promotions at the Town of Islip? 13 A. No. 14 Q. Have you been denied any 15 promotional opportunities as a result of 16 anything Mr. Hesse did, to your knowledge -- 17 A. No. 18 Q. -- at the Town of Islip? No? 19 A. No. 20 Q. Let's look at the first page. 21 You write -- you allege under the 22 preliminary statement, "Plaintiffs are five 23 police officers who had the courage to 24 overcome the "blue wall of silence" and 25 fulfill their duty to protect the public by | Page 226 | 1 K. Lamm 2 who had lollipops that contained illegal 3 narcotics, did you? 4 A. Well -- 5 Q. Did you? 6 A. We have made mention to Mr. Hesse 7 that we should bring the narcotics team 8 over. 9 Q. Well, thank you. You spoke to 10 Mr. Hesse. So my question to you, sir, is 11 in your duty to protect the public from this 12 known drug dealer who had lollipops in the 13 form of an illegal narcotic, you didn't do 14 anything, other than talk to Mr. Hesse, did 15 you? 16 A. He was the chain of command. 17 Q. I understand that. You didn't do 18 anything, other than talk to Mr. Hesse, did 19 you? 20 A. He was the chain of command. 21 Q. Okay. Tell the jury, sir, with 22 regard to seeing a police officer drive 23 intoxicated, what, other than talking to 24 Mr. Hesse, did you do to protect the public? 25 A. It was brought to George Hesse's | Page 228 |

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1 K. Lamm
2 attention, who was the supervising officer,
3 chain of command.
4 Q. Other than talking to Mr. Hesse,
5 what did you do?
6 A. That's what I did.
7 Q. Okay. When you saw police
8 officers drinking on duty and posing a risk
9 to the health and safety of the public in
10 doing so, other than Mr. Hesse, other than
11 talking to Mr. Hesse, what did you do to
12 protect the public?
13 A. That's what was done. Spoke to
14 George Hesse. Chain of command.
15 Q. Other than -- well, other than --
16 well, withdrawn. When you believed that
17 there was a cover up involving the Halloween
18 incident, you didn't notify Sergeant --
19 Chief Paridiso of your belief that there was
20 a cover up, did you?
21 A. We were kept out of the loop of
22 all the investigation for several months.
23 MO MR. NOVIKOFF: Motion to
24 strike, sir.
25 Q. You formed a belief at some point

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1 K. Lamm
2 in time that there was a cover up involving
3 certain police officers concerning the
4 Halloween incident, correct? You formed a
5 belief, correct?
6 A. We were kept out of the loop of
7 the investigation.
8 MO MR. NOVIKOFF: Motion to
9 strike.
10 MR. GOODSTADT: Let -- let him
11 answer the question. Then make your
12 motion to strike.
13 Q. Sir, yes or no, did you form an
14 opinion at some point in time that there was
15 a cover up involving the Halloween incident?
16 A. Yes.
17 Q. And, sir, in your duty to protect
18 the public from this cover up, did you
19 notify Chief Paridiso of your opinion that
20 there was a cover up, yes or no? And if you
21 can't answer yes or no, that's fine. Just
22 tell me.
23 A. No. Because we were unsure as to
24 what was going on because the investigation
25 that was taking place, we were kept out of

1 K. Lamm
2 the loop.
3 MO MR. NOVIKOFF: Motion to strike
4 everything after "no."
5 Q. Sir, in your duty to protect the
6 public, when you came to believe that there
7 was a cover up involving the Halloween
8 incident, you didn't notify Mayor Rogers,
9 did you, yes or no? And if you can't answer
10 yes or no, tell me.
11 A. No. She wasn't part of the chain
12 of command.
13 MO MR. NOVIKOFF: Okay. Motion to
14 strike everything after "no."
15 Q. In your duty to protect the
16 public, after you formed the opinion that
17 there was a cover up involving the Halloween
18 incident, you didn't notify Trustee
19 Loeffler, did you?
20 A. Loeffler was there during the
21 Halloween incident.
22 Q. My question, sir, is --
23 MO MR. NOVIKOFF: Motion to
24 strike.
25 Q. When you formed the opinion that

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1 K. Lamm
2 there was a cover up -- withdrawn. After
3 you formed the opinion that there was a
4 cover up, in your duty to protect the
5 public, did you notify Trustee Loeffler that
6 you believed that there was a cover up, yes
7 or no, and if you can't answer yes or no,
8 then tell me?
9 A. No. Because I believe he became
10 part of that because it was kept away from
11 us for several months and we were not part
12 of the investigation.
13 MO MR. NOVIKOFF: Motion to strike
14 everything after "no."
15 Q. Sir, in your duty to protect the
16 public and speaking out in opposition to the
17 regime of endemic corruption, after you
18 believed that there was a cover up involving
19 the Halloween incident, did you contact
20 Newsday?
21 A. Immediately after it happened?
22 Q. Yeah.
23 A. Not immediately after it
24 happened, because we didn't know everything
25 that had taken place. We were kept out of

| | |
|--|---|
| Page 233 | Page 235 |
| <p>1 K. Lamm 2 the investigation. 3 MO MR. NOVIKOFF: Motion to strike 4 everything after "not immediately 5 thereafter." 6 Q. Sir, prior to your last day of 7 employment with Ocean Beach, did you ever 8 advise Newsday that you believed that there 9 was a cover up involving the Halloween 10 incident in your duty to protect the public 11 and speak out in opposition? 12 A. No. We were kept out of the loop 13 of the investigation. It was kept away from 14 us. 15 MO MR. NOVIKOFF: Motion to strike 16 everything after "no." 17 Q. In your duty to protect the 18 public and speak out against the regime of 19 endemic corruption, before your last day of 20 employment with Ocean Beach, did you advise 21 any media source that you believed that 22 there was a cover up involving the Halloween 23 incident? 24 A. No, I did not, because we were 25 kept out of the investigation of all that</p> | <p>1 K. Lamm 2 Q. In your duty to speak out and 3 protect the public good, did you ever advise 4 the Suffolk County District Attorney's 5 office that there were police officers 6 driving while intoxicated on Ocean Beach? 7 A. No. It was brought to George 8 Hesse's attention. He was the immediate 9 supervisor. Went through the chain of 10 command. 11 MO MR. NOVIKOFF: Motion to strike 12 everything after the word "no." 13 Q. Did you, in your duty to protect 14 the public and speak out in opposition, did 15 you ever advise the Suffolk County District 16 Attorney's office, before the last day of 17 your employment with Ocean Beach, that there 18 was a known drug dealer on Ocean Beach who 19 had illegal narcotics in the form of a 20 lollipop? 21 A. No. It was words given by George 22 Hesse who later he was told that the 23 narcotics team should be brought in to the 24 village. 25 MO MR. NOVIKOFF: Motion to strike</p> |
| Page 234 | Page 236 |
| <p>1 K. Lamm 2 time and everything that was going on. 3 MO MR. NOVIKOFF: Motion to strike 4 everything after the word "no." 5 Q. In your duty to protect the 6 public and speak out against -- in 7 opposition to the regime of endemic 8 corruption, did you, before the last day of 9 your employment with Ocean Beach, speak with 10 the Suffolk County District Attorney's 11 office concerning the belief that you held 12 that there was a cover up involving the 13 Halloween incident? 14 A. No. 15 Q. Did you ever speak, before your 16 last day of employment with Ocean Beach, in 17 your duty to protect the public and speak 18 out in opposition -- withdrawn. Did you 19 ever, before the last day of your employment 20 with Ocean Beach, notify the Suffolk County 21 District Attorney's office, in your duty to 22 protect the public and speak out, that there 23 were police officers, while on duty, 24 drinking alcoholic beverages? 25 A. No.</p> | <p>1 K. Lamm 2 everything after the word "no." 3 Q. Let's go to paragraph 13. You 4 allege in paragraph 13 the following, 5 "Defendant George B. Hesse was and is 6 employed by Ocean Beach and the OBPD, with 7 his principle place of business at Bay and 8 Bayberry Walks, Ocean Beach, New York. Upon 9 information and belief, Hesse resides in 10 Suffolk County, New York. At all times 11 hereinafter mentioned, Defendant Hesse was 12 and is the official responsible for the 13 management and supervision of the OBPD, 14 including its maintenance and operation, as 15 well as the hiring, promotion and discipline 16 of employees and all other 17 employment-related issues," do you see that? 18 A. Okay. 19 Q. Did -- have you done anything to 20 confirm the accuracy of what I've just read 21 prior to authorizing your attorney to file 22 this Complaint? 23 A. No. 24 Q. When you allege in the second 25 sentence of paragraph 13 that "at all times</p> |

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| <p>Page 237</p> <p>1 K. Lamm 2 herein mentioned, Defendant Hesse was and is 3 the official responsible for" -- and now I'm 4 going to go a little bit further -- "the 5 hiring, promotion and discipline of 6 employees and all other employment-related 7 issues," what did you mean by that? 8 MR. GOODSTADT: Objection. 9 A. Well, which part are we talking 10 about here, again, please? 11 Q. Let's look at the second 12 sentence. You see -- 13 MR. GOODSTADT: It's actually 14 the third sentence. 15 Q. Paragraph 13. The second 16 sentence. Do you see you start off by 17 saying "at all times hereinafter mentioned," 18 do you see that? 19 A. Go ahead. 20 Q. Okay. You write "Defendant 21 Hesse," do you see that? 22 A. I see it. 23 Q. "Was and is the official 24 responsible," do you see that? 25 A. Go ahead.</p> | <p>Page 239</p> <p>1 K. Lamm 2 that? 3 A. Yes. 4 Q. What did you mean by the language 5 that I just read to you? 6 MR. GOODSTADT: Objection. 7 A. "As well as hiring." 8 Q. Yeah. What do you mean by that? 9 A. He made himself the applicant 10 investigation section unit and began to hire 11 individuals that were uncertified. 12 Q. How about in terms -- you use "as 13 well as the hiring, promotion and discipline 14 of employees," do you see that? 15 A. Yes. 16 Q. You then go on to say "and all 17 other employment-related issues," do you see 18 that? 19 A. Yes. 20 Q. Is termination an 21 employment-related issue that you are 22 referring to? 23 A. Yes. 24 Q. Okay. Non-hiring an 25 employment-related issue that you are</p> |
| <p>Page 238</p> <p>1 K. Lamm 2 Q. What do you mean by "was and is 3 the official responsible"? 4 MR. GOODSTADT: Objection. 5 Q. What is your understanding of 6 what that phrase means? 7 MR. GOODSTADT: Objection. 8 A. 'Cause he was the supervising 9 officer of the night shift and that is what 10 we worked. 11 Q. Okay. And then you write -- you 12 make some other allegations, you write "for 13 the management and supervision of the OBPD," 14 do you see that? 15 A. Yes. 16 Q. I don't -- I'm not going to ask 17 you about that. Then you write "including 18 its maintenance and operation," do you see 19 that? 20 A. Yes. 21 Q. I'm not going to ask you about 22 that. This is what I'm going to ask you 23 about, "as well as the hiring, promotion and 24 discipline of employees and all other 25 employment-related issues." Do you see</p> | <p>Page 240</p> <p>1 K. Lamm 2 referring to? 3 A. That George Hesse was in charge 4 in -- of? 5 Q. Yes. 6 A. Yes. 7 Q. Okay. So if I understand what 8 you're saying, in 2003, George Hesse was the 9 person responsible for deciding whether or 10 not you, Mr. Lamm, was either going to be 11 rehired or terminated from the Ocean Beach 12 police department, correct? 13 MR. GOODSTADT: Objection. 14 Q. Is that what you mean when you 15 use this -- 16 A. He -- he was the one doing the 17 hiring in 2003, so that very well could 18 have -- could have been the answer. 19 Q. No. I'm asking you, you know, 20 based upon your testimony, sir, in your 21 opinion, was Mr. Hesse the person that 22 was the -- had the authority to decide in 23 2003 whether or not you would be terminated 24 from your position as a police officer for 25 Ocean Beach?</p> |

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| Page 241 | Page 243 |
| <p>1 K. Lamm 2 A. He may have been because he was 3 hiring in 2003. So I would assume that he 4 is in charge of hiring and -- and could have 5 been firing in 2003. 6 Q. Same thing for 2004, correct? 7 A. Could have been. 8 Q. How about 2005? 9 A. May have been. 10 Q. Okay. Now with regard to the 11 Ocean -- the Halloween incident, that 12 occurred in October of 2004, correct? 13 A. Yes. 14 Q. And by that time, you had made 15 numerous complaints to Mr. Hesse about 16 various misconduct of other police officers, 17 correct? 18 A. Yes. 19 Q. Okay. And you had criticized in 20 these complaints, Mr. Hesse's supervision of 21 these other police officers, correct? 22 A. Yes. 23 Q. Okay. And you complained -- did 24 you ever complain to Mr. Hesse about what 25 you believed to be a cover up involving the</p> | <p>1 K. Lamm 2 A. That he tells me that the 3 incidents that occurred here in my statement 4 were not true about the Halloween incident, 5 and I said, "Well, how do you know? You 6 weren't there." 7 Q. Are you done with your statement 8 on the record? 9 A. I am finished for now. 10 MO MR. NOVIKOFF: Move to strike 11 because there was no question pending. 12 Q. Anything else you want to state? 13 A. No. Not yet. 14 Q. Okay. Paragraph 26. Did you 15 read paragraph 26 before you authorized your 16 attorney to file this on your behalf? 17 A. I believe so. 18 Q. Okay. Is 26 accurate? 19 A. I believe it to be. 20 Q. So is it your testimony that no 21 member of the public ever complained about 22 you in your role as a police officer for 23 Ocean Beach, to your knowledge? 24 A. Not that I'm aware of. 25 MR. NOVIKOFF: Let's mark the</p> |
| Page 242 | Page 244 |
| <p>1 K. Lamm 2 Halloween incident? 3 A. Yes, I did. 4 Q. When? 5 A. In June of 2005. 6 Q. Did Mr. Hesse fire you in June of 7 2005? 8 A. No, he didn't. 9 Q. Did he fire you in July of 2005? 10 A. No, he didn't. 11 Q. Did he fire you in August of 12 2005? 13 A. No, he didn't. 14 Q. Did he fire you in September of 15 2005? 16 A. No, he didn't. 17 Q. Did he fire you in October of 18 2005? 19 A. No. But when I brought it to his 20 attention -- 21 Q. I don't think there's a question, 22 sir. 23 A. Well, I'm putting it on the 24 record anyway. 25 Q. You go right ahead.</p> | <p>1 K. Lamm 2 following document as Lamm-1. 3 (Allegations of Official 4 Misconduct was marked as Lamm Exhibit-1 5 for identification; 11/19/08, E.L.) 6 Q. Sir, I'm going to show you what's 7 been marked as Lamm-1, and I'm not going to 8 ask you to read the document. I'm just 9 going to ask you to read the first 10 paragraph, to yourself now, of the 11 allegation under the heading "allegations of 12 official misconduct" and tell me when you're 13 done reading those two sentences. 14 A. (Reviewing). Okay. 15 Q. As you sit here today, are you 16 familiar with a person named Jolly-Johanna 17 L. Northrop? 18 A. I'm not sure. 19 Q. You're not sure if you are 20 familiar with that name? I'm asking you, as 21 you sit here today, do you recognize the 22 name Jolly-Johanna L. Northrop? 23 A. I don't recall it. 24 Q. Okay. Do you recall ever being 25 accused of abusing the public trust</p> |

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1 K. Lamm
2 involving an incident concerning Brody
3 Santoro?
4 A. I don't recall it.
5 Q. So it's possible, but as you sit
6 here today, you don't recall it?
7 A. I'm not familiar with this.
8 Q. Okay. Let's move on then. Let's
9 go to paragraph 32, sir. Did Mr. Hesse ever
10 instruct you to chauffeur intoxicated
11 colleagues both inside and out of Ocean
12 Beach?
13 A. He has asked me to take --
14 Q. My question is just a yes or no.
15 A. Yes, he has.
16 Q. On how many occasions did
17 Mr. Hesse instruct you to chauffeur
18 intoxicated police officers both inside and
19 out of Ocean Beach?
20 A. Just one time for me.
21 Q. When?
22 A. Somewhere around the season of
23 2003.
24 Q. And who was the intoxicated
25 colleague that Mr. Hesse directed you to

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1 K. Lamm
2 Q. Did you inquire with Mr. Hesse as
3 to why you were taking them to the
4 lighthouse?
5 A. No, I didn't.
6 Q. Did the Bosettis, in their
7 inebriated state, tell you why you were
8 taking them to the lighthouse?
9 A. No. They said they wanted to get
10 to the lighthouse.
11 Q. Do you -- did you witness them
12 doing anything once you dropped them off at
13 the lighthouse?
14 A. No, I didn't.
15 Q. Did you stay around to make sure
16 that they didn't do any harm to themselves
17 in their inebriated state?
18 A. No, I didn't.
19 Q. Were you on -- were you on duty
20 at the time?
21 A. Yes, I was.
22 Q. Are automobiles parked at the
23 lighthouse?
24 A. Excuse me?
25 Q. Are automobiles parked at the

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1 K. Lamm
2 chauffeur?
3 A. Gary Bosetti and Rich Bosetti.
4 Q. Oh, so there was two. Okay.
5 Where did Mr. Hesse ask you to chauffeur
6 them to?
7 A. He wanted me to bring them back
8 to the lighthouse.
9 Q. Okay. Were they on duty at the
10 time, Gary and Richie Bosetti?
11 A. No. That time they were off
12 duty.
13 Q. What time of the day did
14 Mr. Hesse ask you to chauffeur the Bosetti
15 brothers in their inebriated state?
16 A. Approximately 3:00 in the
17 morning.
18 Q. Did you witness them getting into
19 a vehicle after you chauffeured them to the
20 lighthouse?
21 A. No, I did not.
22 Q. Do you know why they were being
23 chauffeured to the lighthouse?
24 A. No. He just told me to take them
25 to the lighthouse and I did.

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1 K. Lamm
2 lighthouse?
3 A. Yes.
4 Q. Was it your belief that you were
5 chauffeuring the Bosetti brothers to their
6 automobiles to take off the island?
7 A. Either that or they were going to
8 walk to the next town, Kismet.
9 Q. And how far away is Kismet?
10 A. Just several --
11 MR. GOODSTADT: Objection.
12 Q. What's that?
13 A. Just several 100 feet down the
14 road.
15 Q. Okay. Could you have driven to
16 Kismet?
17 A. Yes.
18 Q. Okay. Did you stay around to
19 make sure that the Bosettis didn't get into
20 their respective automobiles and drive under
21 the state of intoxication?
22 A. No.
23 Q. Wouldn't you agree, sir, that as
24 a police officer, it would have been
25 important for the safety of the public that

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| <p>1 K. Lamm 2 the Bosettis, in their inebriated state, did 3 not get into their automobiles and drive 4 away?</p> <p>5 MR. GOODSTADT: Objection.</p> <p>6 Q. Yes or no, or if you can't answer 7 yes or no, that's fine, too.</p> <p>8 A. I can't answer that. They -- 9 they could have just sat there and talked.</p> <p>10 Q. Oh, no. I understand that. But 11 my question, sir, is, would you agree with 12 me that it would be important for the public 13 health and safety, to make sure that the 14 Bosettis were not going to get into their 15 cars in an inebriated state that night?</p> <p>16 A. Yes, it would be.</p> <p>17 Q. Okay. Did you undertake any 18 activity to ensure that the Bosettis did not 19 get into their car after you dropped them 20 off?</p> <p>21 A. I don't recall.</p> <p>22 Q. Okay. When Mr. Hesse asked you 23 to do this, did you complain to him?</p> <p>24 A. Yes. I -- I told him that being 25 that, you know, we're short staffed in the</p> | <p>1 K. Lamm 2 leaving the village short staffed? 3 A. He said yeah, but nothing 4 happened.</p> <p>5 Q. So he had a contrary opinion -- 6 oh, no. So he agreed with you that it was 7 short staffed?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And you felt by leaving 10 the village short staffed, that was 11 compromising the public health and safety of 12 the village -- of the people on Ocean Beach?</p> <p>13 A. Yes.</p> <p>14 Q. Did you advise Chief Paridiso 15 that Mr. Hesse's direction, in your opinion, 16 compromised the public health and safety of 17 the people on Ocean Beach? Yes or no or you 18 can't answer yes or no?</p> <p>19 A. I spoken to him about -- about 20 it, saying that I -- I just don't feel that 21 it's right to drive them off if we're short 22 staffed during the summer season.</p> <p>23 Q. So you spoke to Chief Paridiso?</p> <p>24 A. Just that one time.</p> <p>25 Q. When did you speak to Chief</p> |
| Page 250 | Page 252 |
| <p>1 K. Lamm 2 village, I don't think that we should be 3 leaving the village with one less officer.</p> <p>4 Q. When you say you were short 5 staffed, what do you mean?</p> <p>6 A. 'Cause at nighttime, we didn't 7 have that many officers at times that were 8 working.</p> <p>9 Q. So there were sometimes that you 10 have sufficient officers in the village at 11 night and there are times when you're short 12 staffed?</p> <p>13 A. Depending on who's scheduled and 14 depending on the crowd that is there that 15 night.</p> <p>16 Q. So it was your opinion that by 17 you taking the Bosettis to the lighthouse, 18 that left the village short staffed, 19 correct?</p> <p>20 A. Yes.</p> <p>21 Q. Mr. Hesse had a contrary opinion, 22 correct?</p> <p>23 A. Maybe he did.</p> <p>24 Q. Well, did he respond to you when 25 you said that you believed that you were</p> | <p>1 K. Lamm 2 Paridiso?</p> <p>3 A. That was a few weeks after it.</p> <p>4 Q. And did Chief Paridiso say 5 anything to you in response to your 6 communication to him?</p> <p>7 A. I don't recall what he said.</p> <p>8 Q. Okay. To your knowledge, after 9 you were asked to chauffeur the Bosettis, 10 were any of the other Plaintiffs in this 11 lawsuit asked to chauffeur any other 12 inebriated police officers anywhere within 13 or without Ocean Beach?</p> <p>14 A. I can't answer for -- for someone 15 else.</p> <p>16 Q. I'm just asking if you are aware, 17 not whether you can answer or not. Are you 18 aware that after you complained to Chief 19 Paridiso, did Hesse ever order any other of 20 the Plaintiffs in this lawsuit to chauffeur 21 intoxicated police officers within or 22 without of Ocean Beach?</p> <p>23 A. I'm not for certain, but there -- 24 it was stated to Hesse that we aren't going 25 to drive anybody out to the lighthouse or</p> |

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| <p>Page 253</p> <p>1 K. Lamm 2 anything if they're here off duty, and then 3 there was a memo saying that if you have to 4 leave the village, use a water taxi. 5 MO MR. NOVIKOFF: Move to strike 6 as nonresponsive. 7 Q. My question is simple, Mr. Lamm, 8 and if you don't know, then you don't know 9 and that's fine. That's -- that's a fine 10 answer. After you complained to 11 Mr. Paridiso, are you aware of any time that 12 one of the Plaintiffs in this action, at the 13 direction of Mr. Hesse, chauffeured an 14 intoxicated police officer anywhere within 15 or without Ocean Beach? 16 A. I'm not for certain. 17 Q. Great. Let's look at paragraph 18 33. Did you ever -- were you ever asked by 19 Mr. Hesse to give money for rocket fuel? 20 A. No. 21 Q. Are you aware if any of the 22 Plaintiffs in this action were ever -- were 23 ever asked by Hesse to give money for rocket 24 fuel? 25 A. I don't believe so. Not that I</p> | <p>Page 255</p> <p>1 K. Lamm 2 A. Um-hum. 3 Q. My question to you is, what 4 influence did you have in May of 2002 as you 5 refer to it in paragraph 34? 6 A. They were Hesse's -- they were 7 Hesse's buddies, and you know, we were just 8 distanced. 9 Q. I understand that. What 10 influence did you have, though, that's what 11 I'm asking? 12 A. I personally may have had no 13 influence. 14 Q. Okay. Paragraph 36, "Plaintiffs 15 each advised Hesse on numerous occasions 16 that the department and village were left 17 dangerous -- dangerously short of personnel 18 when Plaintiffs were assigned to chauffeur 19 intoxicated officers and their civilian 20 friends and while such uncertified officers 21 were drinking in local bars," do you see 22 that? 23 A. Yes. 24 Q. Were you ever asked to chauffeur 25 a civilian friend of any intoxicated</p> |
| <p>Page 254</p> <p>1 K. Lamm 2 know of. 3 Q. Okay. Did you personally ever 4 witness Hesse asking any police officer for 5 money so he can purchase rocket fuel? 6 A. No. 7 Q. Okay. Let's look at paragraph 8 34. In the last sentence of paragraph 34, 9 you allege, Mr. Lamm, "these newly hired 10 uncertified officers soon aligned themselves 11 with Hesse and his friends on the force, 12 further marginalizing the influence of 13 Plaintiffs and other dedicated and properly 14 certified OBPD officers." In May 2002, what 15 influence did you have as a part-time 16 seasonal police officer for Ocean Beach? 17 MR. GOODSTADT: Objection. 18 A. I don't understand the question. 19 Q. Well, I don't understand the 20 allegation, so that's why I'm asking you the 21 question. You allege here that by virtue of 22 Mr. Hesse hiring uncertified officers who 23 then aligned themselves with Hesse and his 24 friends, your influence was further 25 marginalized, do you see that?</p> | <p>Page 256</p> <p>1 K. Lamm 2 officer? 3 A. No. 4 Q. How many communications did you 5 have with Mr. Hesse concerning your con -- 6 your belief that the village was short 7 staffed because officers were drinking in 8 local bars? 9 A. How many what? 10 Q. Communications did you have? Let 11 me break it down. We know you spoke with 12 Mr. Hesse about your opinion that the 13 village was left short staffed when you had 14 to chauffeur the Bosettis that one time in 15 2003, correct? 16 A. Correct. 17 Q. How many communications did you 18 have with Hesse about your opinion that the 19 village was left short staffed because 20 officers were drinking in the local bars? 21 A. May have been two occasions. 22 Q. When was the first one? 23 A. 2003. 24 Q. When was the second one? 25 A. 2004.</p> |

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| <p>1 K. Lamm 2 Q. Okay. 3 A. End of 2003 and the beginning 4 season of 2004. 5 Q. Okay. And would you agree with 6 me, sir, that if there were police officers 7 while on duty drinking in local bars, and 8 that left, in your opinion, the village 9 short staffed, that that posed a risk to 10 people on Ocean Beach? 11 A. Yes, it could. 12 Q. And in your duty to protect the 13 public and speak out against the endemic 14 corruption that you alleged, did you ever 15 advise Chief Pardiso of your concern that 16 on duty police officers were drinking in 17 local bars? 18 A. No. It was spoken to Hesse. 19 Immediate supervisor, chain of command. 20 MO MR. NOVIKOFF: Motion to strike 21 everything after "no." 22 Q. Same question with regard to 23 Mayor Rogers? 24 A. She wasn't part of the chain of 25 command.</p> | <p>1 K. Lamm 2 masters to "cover" their shifts at the OBPD 3 blithely entrusting law enforcement power 4 and responsibility to untrained and 5 unsupervised civilians," do you see that? 6 A. Yes, I do. 7 Q. What did you mean "blithely"? 8 MR. GOODSTADT: Objection. 9 A. Don't exactly know. 10 Q. When you read this for accuracy 11 and truthfulness, did you know? 12 A. That they put -- that they put 13 their trust in it. 14 Q. Okay. What uncertified officers 15 were assigned to dock masters? I'm sorry. 16 Who are you referring to in 39 when you 17 write "uncertified officers"? I'm looking 18 for the identity of the officers that you're 19 referring to in 39. 20 A. Rich Bosetti and Gary Bosetti. 21 Q. Do you have personal knowledge 22 that Hesse allowed the Bosetti brothers to 23 assign dock masters to cover their shifts? 24 A. If Hesse wasn't there that day or 25 if he had already left, those two officers</p> |
| Page 258 | Page 260 |
| <p>1 K. Lamm 2 Q. So the answer would be no? 3 A. She wasn't part of the chain of 4 command. 5 Q. Okay. Same question with regard 6 to Trustee Loeffler? 7 A. No. 8 Q. Same question with regard to any 9 other trustee? 10 A. No. They weren't part of chain 11 of command. 12 Q. Same question with regard to any 13 media outlet? 14 A. No. 15 Q. Now when you witnessed police 16 officers while on duty drinking in local 17 bars, were they eating a meal at the time? 18 A. I don't believe so. 19 Q. Okay. So they were either at the 20 bar or they were -- they were at a table 21 drinking? 22 A. At the bar, yes. 23 Q. Okay. Let's look at paragraph 24 39. You allege "in addition, Hesse allowed 25 the uncertified officers to assign dock</p> | <p>1 K. Lamm 2 are in charge. Therefore, if there -- if 3 there's a dock master there, which there 4 was, was assigned to take over the desk, and 5 they had left the village without a police 6 officer down there. 7 MO MR. NOVIKOFF: Motion to strike 8 as nonresponsive, sir. 9 Q. Did you personally witness Hesse 10 directing the Bosettis to assign dock 11 masters to cover their shifts? 12 MR. GOODSTADT: Objection. 13 A. No, I did not. 14 Q. Did you ever partner with any 15 dock master while you were working for Ocean 16 Beach? 17 A. No. 18 Q. During any shifts that you had 19 while at Ocean Beach, was there a dock 20 master that was acting as a police officer 21 during that same shift, to your knowledge? 22 A. As far as acting as a police 23 officer, they were left alone in the 24 village, there would be nobody there, so 25 they would have to act by answering the</p> |

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| <p>Page 261</p> <p>1 K. Lamm 2 phone. 3 MO MR. NOVIKOFF: Motion to strike 4 as nonresponsive, sir. 5 Q. Sir, while you were working for 6 Ocean Beach, did you ever become aware that 7 there was a dock master working as a police 8 officer during your shift? 9 A. No. 10 Q. Okay. 40, "Hesse also allowed 11 the uncertified officers to drink beer while 12 patrolling in police vehicles." Were you 13 ever in a police vehicle, other than the one 14 instance that you testify -- the two 15 instances that you testified to, wherein an 16 uncertified officer was drinking beer? 17 A. Other than from what I stated. 18 Q. Right. So the answer would be 19 no, other -- no, correct? 20 A. Not that I can recall. 21 Q. Okay. Did Hesse ever tell you, 22 Mr. Lamm, what types of beer to confiscate? 23 A. No, he did not. But I have heard 24 Rich Bosetti say it when Frank Fiorillo was 25 patrolling the beach, if he can get certain</p> | <p>Page 263</p> <p>1 K. Lamm 2 about the police station after a night on 3 duty." Did Hesse ever instruct you, 4 Mr. Lamm, to do that which is being alleged 5 in paragraph 41? 6 A. No, he didn't. 7 Q. Let's look at paragraph 45. Read 8 paragraph 45 to yourself and tell me when 9 you're done. 10 A. (Reviewing). Okay. 11 Q. Is this an accurate allegation, 12 to the best of your recollection? 13 MR. GOODSTADT: Objection. 14 A. Yes. Frank was ridiculed and 15 called a fucking moron and to let Walter 16 Muller do whatever he wanted because that's 17 his close friend. 18 MO MR. NOVIKOFF: Motion to strike 19 everything after the word "yes." 20 Q. In your presence, how did Hesse 21 chide Officer Fiorillo? 22 A. He belittled him. 23 Q. What did he say? 24 A. He called him a moron. Said he 25 was stupid.</p> |
| <p>Page 262</p> <p>1 K. Lamm 2 kinds of beer. 3 Q. You happy you got that out? 4 A. If he confiscated anything. 5 Q. You done with what you want to 6 say? 7 A. He made a request. 8 MR. GOODSTADT: Objection. 9 MO MR. NOVIKOFF: Motion to strike 10 as nonresponsive everything other than 11 after "no." 12 Q. Did Hesse ever instruct you, as 13 you allege in paragraph 41, to remove empty 14 beer cans and other refuse from the 15 uncertified officers' abandoned vehicles? 16 MR. GOODSTADT: Objection. 17 MR. NOVIKOFF: Fine. I'll 18 withdraw the question. 19 Q. Let's look at 41. "Rather than 20 address Plaintiffs' num -- numerous 21 complaints about these violations of law and 22 department policy, Hesse instructed 23 Plaintiffs to remove empty beer cans and 24 other refuse that the uncertified officers 25 abandoned in their vehicles and left strewn</p> | <p>Page 264</p> <p>1 K. Lamm 2 Q. Okay. Did Mr. Hesse say anything 3 else in your presence? 4 A. He said that "that's a close 5 personal friend of mine and he can do what 6 he wants here." 7 Q. Okay. And did you think that 8 Mr. Hesse -- and when did this take place, 9 sir? 10 A. I believe it was approximately 11 2002. 12 Q. Okay. And this involved a fight, 13 correct? 14 A. I believe it was a fight, yes. 15 Q. Between who and whom? 16 A. Walter Muller and I believe 17 either it was another party involved which I 18 didn't see. I only came to the police 19 station to see the ending effects of it. 20 Q. And was this person who came into 21 the police station a police officer or a 22 civilian? 23 A. The fight didn't occur in the 24 police station. 25 Q. But the person that you saw that</p> |

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| <p>1 K. Lamm 2 came into the police station, was it a 3 civilian or was it a police officer who you 4 say you saw the effects of the altercation? 5 A. The one that involved -- that was 6 involved was Walter Muller, who was a police 7 officer dressed in regular clothes. At the 8 time I believe he was off duty. 9 Q. I understand that. But did he 10 get into a fight with another police officer 11 or with a civilian, to the best of your 12 knowledge? 13 A. From what I understand and I 14 believe, it was another civilian. 15 Q. So Mr. Hesse, instruct -- 16 according to your allegation and testimony, 17 was basically saying it's okay for Muller to 18 beat up a civilian because he's a close 19 personal friend of mine; is that correct? 20 A. I don't know what happened prior 21 to me getting there, but I was there for the 22 remarks he made to Frank Fiorillo. 23 Q. Right. And what did you 24 understand the remarks -- did you 25 understand his remarks to mean that -- that</p> | <p>1 K. Lamm 2 A. I wouldn't say it to that extent. 3 The only person that knows what he said is 4 George Hesse himself. 5 Q. But you graduated high school, 6 sir. What did you understand Mr. Hesse to 7 mean when he insisted, according to your 8 allegation, that his friends in the OBPD be 9 afforded the freedom to violate the law with 10 impunity? 11 MR. GOODSTADT: Objection. I 12 don't know what his graduating high 13 school has to do with anything, but to 14 the extent that you're trying to harass 15 the witness, I'm going to instruct him 16 not to answer the next time that you 17 refer to high school education. 18 MR. NOVIKOFF: Go ahead. 19 MR. GOODSTADT: Unless you can 20 tell me what the relevance is. 21 MR. NOVIKOFF: You can answer 22 the question. 23 MR. GOODSTADT: I didn't think 24 so. 25 A. My answer was my answer that I</p> |
| Page 266 | Page 268 |
| <p>1 K. Lamm 2 Mr. Muller can beat up a civilian because 3 Mr. Muller is a close personal friend of 4 his? 5 A. I believe the remarks were just 6 made to belittle Frank and embarrass him, 7 and -- and Hesse show that Walter Muller is 8 his friend and just to leave him be. 9 Q. I understand that. But you write 10 in the last sentence, Mr. -- you allege in 11 the last sentence, Mr. Lamm, that "rather 12 than disciplining this officer, Hesse 13 insisted that his friends in the OBPD be 14 afforded the freedom to violate the law with 15 impunity," do you see that? 16 A. I see that. 17 Q. So would you agree with me that 18 Hesse was instructing you and Fiorillo in 19 2002 that Mr. Muller, a police officer, 20 should be allowed to beat up civilians 21 because he's a close personal friend of his? 22 MR. GOODSTADT: Objection. 23 Q. Isn't that what you understood 24 Mr. Hesse to be saying? 25 MR. GOODSTADT: Objection.</p> | <p>1 K. Lamm 2 stated before. 3 Q. Okay. Did you ever advise Chief 4 Paridiso that it was your belief that Hesse 5 was permitting an officer, in 2002, to 6 violate the law with impunity? 7 A. No. I didn't speak to Chief 8 Paridiso. 9 Q. Don't you believe that in your 10 duty to protect the public and speak out 11 against endemic corruption, that it would be 12 important for Chief Paridiso to know that 13 Sergeant Hesse was advising various police 14 officers to allow another police officer to 15 violate the law with impunity? 16 A. I wasn't there for the incident. 17 Q. Oh, okay. Did you ever advise 18 Mayor Rogers or Trustee Loeffler, in 2002, 19 that you had heard directly from Mr. Hesse 20 that his buddies on the police force were 21 free to violate the law with impunity? 22 A. No, I did not. 23 Q. Now I guess is that another 24 example where you didn't protect the public 25 and speak out against corruption?</p> |

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1 K. Lamm
 2 MR. GOODSTADT: Objection.
 3 A. I didn't witness the incident,
 4 so, therefore, I don't know exactly what
 5 happened. Like I said in my statement
 6 before, I was only there for whatever
 7 happened at the end inside the police
 8 station with the ridicule against Frank
 9 Fiorillo.
 10 MO MR. NOVIKOFF: Motion to strike
 11 as nonresponsive.
 12 Q. Let's look at paragraph 46. Read
 13 it and tell me when you're done reading it.
 14 A. (Reviewing). Okay.
 15 Q. Do you have any personal
 16 knowledge of the allegations in paragraph
 17 46?
 18 A. No personal knowledge.
 19 Q. Let's look at paragraph 48. Did
 20 Mr. Hesse ever admit to you, Mr. Lamm, that
 21 he regularly spent the night at a known drug
 22 dealer's residence in Ocean Beach and
 23 Manhattan?
 24 A. Yes, he did.
 25 Q. Who was the known drug dealer?

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1 K. Lamm
 2 MR. NOVIKOFF: So move to
 3 strike. Just because you don't like
 4 the answers you're getting --
 5 MR. GOODSTADT: I actually like
 6 that one.
 7 MR. NOVIKOFF: No, sir.
 8 MR. GOODSTADT: You moved to
 9 strike it. Now you're asking the same
 10 question.
 11 Q. What month, what year, sir?
 12 A. I believe it -- summertime of --
 13 summer of 2002.
 14 Q. Did you think it was appropriate
 15 in the summertime of 2002 that the sergeant
 16 of the Ocean Beach Police Department was
 17 residing, on a regular basis, in a known
 18 drug dealer's residence?
 19 A. It may not have been proper.
 20 Q. Is that your answer, "it may not
 21 have been proper"?

22 A. It may not have been proper, but
 23 that's what he chose to do. I can't speak
 24 for his actions.
 25 Q. I'm not asking you to speak for

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1 K. Lamm
 2 A. Mitch Burns.
 3 Q. Okay. When did Mr. Hesse advise
 4 you that he regularly spent the evenings in
 5 Manhattan and Ocean Beach with Mitch --
 6 Mitch -- the drug dealer's residence?
 7 A. After he came back one early
 8 morning from being at Mitch Burns' house in
 9 Ocean Beach and he bragged about having sex
 10 with Elyse Miller with no condom in the hot
 11 tub.
 12 MO MR. NOVIKOFF: Elyse Miller,
 13 okay. I'm going to move to strike the
 14 answer.
 15 Q. Sir, when did you -- when did
 16 Mr. Hesse first advise you that he slept in
 17 a known drug dealer's residence in Ocean
 18 Beach or Manhattan?
 19 MR. GOODSTADT: He just told
 20 you when. When he came back --
 21 MR. NOVIKOFF: Thank you.
 22 You're not testifying, Mr. Goodstadt.
 23 MR. GOODSTADT: You're asking
 24 the same question that you just moved
 25 to strike.

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1 K. Lamm
 2 him. I'm only asking about your actions,
 3 though. Did you ever tell Chief Paridiso?
 4 MR. GOODSTADT: Objection.
 5 A. I don't recall if I did.
 6 Q. Did you ever tell Mayor Rogers or
 7 Trustee Loeffler that Sergeant Hesse was
 8 residing regularly in a known drug dealer's
 9 residence?
 10 A. No, I didn't.
 11 Q. Did you ever chauffeur Mr. Hesse
 12 to engage in a sexual escapade?
 13 A. Not that I can recall.
 14 Q. Did Mr. Hesse ever instruct you
 15 not to issue summonses to his friends?
 16 A. Yes. CJ's Bar.
 17 Q. Is that the only occasion in
 18 which you recall that Mr. Hesse instructed
 19 you not to issue a summons to CJ's Bar?
 20 A. Also, to the corner house on
 21 Ocean Breeze and Bay Walk. Not to go in
 22 there as well.
 23 Q. Well, I'm not talking about
 24 going. I'm talking about issuing summonses
 25 now.

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| Page 273 | Page 275 |
| <p>1 K. Lamm 2 A. Same goes for that, too. 3 Q. Same goes. So we have two 4 occasions. One CJ's Bar? 5 A. Yes. 6 Q. And one the corner house that you 7 referred to? 8 A. Yes. 9 Q. Any other examples of when 10 Mr. Hesse advised you not to issue 11 summonses to his friends? 12 A. That's all that I can recall 13 right now. 14 Q. When did Mr. Hesse advise you not 15 to issue a summons to CJ's Bar? 16 A. In 2000 -- end of 2004. 17 Q. And did you believe that this 18 was, at that time, a proper directive from 19 the sergeant of the Ocean Beach Police 20 Department? 21 A. No. I don't believe so. 22 Q. Did you advise Chief Paridiso 23 that you believed that Sergeant Hesse was 24 giving you unlawful directives? 25 A. No, I did not. But George Hesse</p> | <p>1 K. Lamm 2 MR. NOVIKOFF: Good. Thank 3 you. 4 MR. GOODSTADT: He said May 5 2004. 6 Q. What date, what month and year? 7 MR. GOODSTADT: Objection. 8 A. It was the month of May, 2004. 9 Q. Did you believe that this was a 10 lawful directive from Mr. Hesse? 11 A. No, I did not. 12 Q. Did you advise Chief Paridiso 13 that you were receiving unlawful directives 14 from the sergeant? 15 A. No. George Hesse was the 16 immediate supervisor at nighttime and he was 17 my boss. 18 MO MR. NOVIKOFF: Motion to strike 19 as nonresponsive after the word "no." 20 Q. Did you advise Mayor Rogers or 21 Trustee Loeffler that, in your belief, Chief 22 Hesse was issuing to you an unlawful 23 directive concerning this corner house? 24 A. No, I did not. You mind if I 25 stretch my legs?</p> |
| Page 274 | Page 276 |
| <p>1 K. Lamm 2 was my immediate supervisor, and I had to 3 listen to what he said. 4 MO MR. NOVIKOFF: Motion to strike 5 as nonresponsive after the word "no." 6 Q. Did you advise Trustee Loeffler 7 or Mayor Rogers, after Hesse directed you 8 not to issue summonses to CJ's, that you 9 believed he was issuing unlawful directives? 10 A. No, I did not. 11 Q. When did Mr. Hesse tell you not 12 to issue summonses to that corner house that 13 you testified to? 14 A. After the incident when they -- 15 Q. When in terms -- 16 A. -- poured beer down the top -- 17 the roof of the establishment in 2004 in the 18 month of May. 19 MO MR. NOVIKOFF: May when? 20 Motion to strike. 21 Q. What date, what month and year 22 did Mr. Hesse instruct you not to issue 23 summonses to this house? 24 MR. GOODSTADT: Objection. He 25 just answered the question.</p> | <p>1 K. Lamm 2 MR. NOVIKOFF: We got five 3 minutes to go on the tape. Can we just 4 go for three more minutes? 5 THE WITNESS: That's fine. 6 Q. Paragraph 58. Did you witness 7 the incident that's alleged in paragraph 58, 8 Mr. Lamm? 9 A. Can I take the time to read it, 10 please? 11 Q. Absolutely. 12 A. (Reviewing). No, I did not. 13 Q. Look at paragraph 60 and read it, 14 if you can, to yourself, and then tell me if 15 you personally witnessed the events alleged 16 in paragraph 60. 17 A. (Reviewing). No, I wasn't. 18 MR. NOVIKOFF: Okay. Why don't 19 we take a break while the tape is being 20 changed. Can we limit it to about five 21 minutes? 22 MR. GOODSTADT: Sure. 23 MR. NOVIKOFF: Thanks. 24 THE VIDEOGRAPHER: This ends 25 tape number five. The time is 4:14</p> |

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1 K. Lamm
 2 p.m. going off the record.
 3 (A break was taken.)
 4 (Mr. Gray left the deposition.)
 5 THE VIDEOGRAPHER: This begins
 6 tape number six. The time is 4:29 p.m.
 7 Back on the record.
 8 Q. Mr. Lamm, did you receive a call
 9 on October 30, 2004 concerning a fight at
 10 Houser's?
 11 A. Yes.
 12 Q. Did you personally receive the
 13 call or did one of your partners receive the
 14 call?
 15 A. First call that was received was
 16 somebody said -- that said "come to
 17 Houser's" and they hung up.
 18 Q. Okay. And did you -- did you
 19 personally receive that call?
 20 A. Yes, I did.
 21 Q. Did that call come from the
 22 dispatcher?
 23 A. There is no dispatcher.
 24 Q. Okay. So do you know who made
 25 that call?

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1 K. Lamm
 2 A. No, I don't.
 3 Q. Did you receive that call on your
 4 cell phone?
 5 A. It was on the police phone.
 6 Q. On the what?
 7 A. On the police department phone.
 8 Q. And where were you when you
 9 received this call?
 10 A. In the village. Patrolling.
 11 Q. You were patrolling?
 12 A. Yes.
 13 Q. And did you have a phone with you
 14 at the time of your -- of your patrol?
 15 A. Yes.
 16 Q. Okay. And is that what you meant
 17 when you said the police department phone?
 18 A. Yes.
 19 Q. Okay. And can civilians call
 20 directly to the police department phone that
 21 you carry with you?
 22 A. Yes.
 23 Q. Okay. Did you receive another
 24 call?
 25 A. I didn't receive it. Tom Snyder

1 K. Lamm
 2 received it.
 3 Q. Okay. When you first received
 4 the call -- well, was Tom Snyder with you
 5 when he received that -- a call?
 6 A. Yes.
 7 Q. All right. And did he receive it
 8 on the police department phone as well?
 9 A. Yes.
 10 Q. Did you have different numbers?
 11 MR. GOODSTADT: Objection.
 12 Q. Well, did your phone -- did your
 13 respective police department phones have
 14 different phone numbers?
 15 MR. GOODSTADT: Objection.
 16 A. It was forwarded, the phone.
 17 Q. It was what?
 18 A. The phone is forwarded to ring on
 19 the cell phone.
 20 Q. From where?
 21 A. From the police phone in the --
 22 in the station house.
 23 Q. Okay. And is it forwarded
 24 automatically or does a human being have to
 25 forward the call?

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1 K. Lamm
 2 A. You would have to set it up that
 3 way. The person.
 4 Q. Well, the night of October 30,
 5 2004, did a human being forward, to your
 6 knowledge, the call that you received or was
 7 it automatic?
 8 A. The phone was already forwarded.
 9 Q. Okay. How much time elapsed
 10 between the time that you got your phone
 11 call and the time that Mr. Snyder got his
 12 phone call?
 13 A. Maybe less than a minute.
 14 Q. Where were you and Mr. -- well,
 15 were you with Mr. Snyder at the time that
 16 you got your phone call?
 17 A. Yes.
 18 Q. Were you in a car?
 19 A. I was in a vehicle. SUV.
 20 Q. You were in an SUV. Where -- and
 21 was Mr. Snyder with you?
 22 A. Yes, he was.
 23 Q. Was anyone else with you?
 24 A. Yes.
 25 Q. Who?

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| <p>1 K. Lamm 2 A. Frank Fiorillo. 3 Q. Is it common that three police 4 officers patrol Ocean Beach at night? 5 A. Yes. 6 Q. Together? 7 A. Yes. 8 Q. Okay. And where were you located 9 when you got your phone call? 10 A. By the school. 11 Q. At the school? 12 A. Yeah. 13 Q. Where is the school in relation 14 to Houser's? 15 A. It's -- it's on the border. It's 16 on the border. 17 Q. Border of what? 18 A. On the border of Corneil is where 19 the school is. It is just -- what is that? 20 Trying to remember over there. It's west of 21 Houser's. 22 Q. I understand that. You said 23 border. Border of what? 24 A. The border. It's on the 25 borderline before -- you would have to pass</p> | <p>1 K. Lamm 2 you'd have to use caution. So maybe you can 3 get there in about, I don't know, two 4 minutes. 5 Q. Okay. How long did it take you 6 to get to Houser's once you got the phone 7 call? 8 A. Just about that time. 9 Q. Were you at Houser's by the time 10 that Snyder got his phone call? 11 A. No. At the time when he was 12 getting the phone call, I was turning the 13 vehicle around because that's a dead end 14 street. 15 Q. So once you got the phone call, 16 you had to turn the vehicle around, is that 17 your testimony? 18 A. Yes. 19 Q. Okay. Did Snyder, before you got 20 to Houser's, advise you as to what was said 21 to him on the phone call? 22 A. He -- he said that the Bosettis 23 are in a fight. 24 Q. Did Snyder tell you who called 25 him?</p> |
| Page 282 | Page 284 |
| <p>1 K. Lamm 2 the school before you would go into another 3 town, but we were by the school. 4 Q. Right. So what were you at the 5 border of? It was Ocean Beach -- 6 A. Ocean Beach and Corneil. 7 Q. Okay. And how long of a drive is 8 it from where you received the phone call to 9 Houser's? 10 A. It's several blocks down. 11 Q. So how long does it -- would it 12 normally take for you to drive from when you 13 received -- from where you were to Houser's? 14 A. It all depends how many people 15 were out on the street. 16 Q. Let's assume no one was out on 17 the street. 18 A. It wouldn't take very long. 19 Q. Well, tell me. 20 A. Not long. 21 Q. Well, what's "not long"? 10 22 seconds? 30 seconds? Five minutes? "Not 23 long" is a relative phrase. 24 A. Well, considering that it was 25 dark and -- and there was parties going on,</p> | <p>1 K. Lamm 2 A. I don't recall. 3 Q. Okay. Did Snyder put the 4 phone -- when Snyder got the phone call, did 5 he put it on speaker so that everyone could 6 hear it? 7 A. No. Not that I can recall. I 8 don't believe he did. 9 Q. You don't believe he did? 10 A. No. 11 Q. Okay. Now when you got to 12 Snyder's -- when you got to Houser's, 13 describe what was going on outside of 14 Houser's when you -- when you got there. 15 A. There was people out in the 16 street. 17 Q. Okay. 18 A. And people, as we got there, 19 people were exiting the establishment. 20 Q. Okay. Did you attempt -- did 21 you personally, Mr. Lamm, attempt to stop 22 anyone from leaving before you entered 23 Houser's? 24 A. No. I saw Rich Bosetti outside 25 and --</p> |

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1 K. Lamm
 2 Q. No. The question is yes or no,
 3 did you attempt to stop anyone from leaving
 4 once you got to Houser's?
 5 A. No.
 6 Q. Okay. You exited the vehicle; is
 7 that true?
 8 A. Yes.
 9 Q. And Mr. Snyder and Mr. Fiorillo
 10 exited the vehicle?
 11 A. Yes.
 12 Q. Did the three of you walk
 13 together to the entrance of Houser's?
 14 A. No. We walked over towards Rich
 15 Bosetti.
 16 Q. Now where was Rich Bosetti in
 17 relation to the car when you exited the
 18 vehicle?
 19 A. He was to the left of the
 20 vehicle.
 21 Q. How far away from the vehicle to
 22 the left was he?
 23 A. To give an exact answer, I
 24 couldn't tell you exactly how many feet
 25 exactly.

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1 K. Lamm
 2 Q. Can you approximate?
 3 A. Or make an approximated guess.
 4 Q. You couldn't do either one of the
 5 two?
 6 A. I could, but it may not be
 7 accurate.
 8 Q. That's fine. I'll accept your
 9 answer with that -- with that caution.
 10 A. Maybe about -- I don't know.
 11 Could be 40 feet maybe. Maybe.
 12 Q. Okay. How many people did --
 13 were outside of Houser's as you rolled up?
 14 A. For an exact count, I'm not sure.
 15 Q. More than 10?
 16 A. Yes. More than 10.
 17 Q. More than 20?
 18 A. Maybe -- maybe close -- close to
 19 25 maybe.
 20 Q. Okay. And were you in the car
 21 when you spotted Richard Bosetti?
 22 A. When I got out of the vehicle is
 23 when I saw Rich Bosetti.
 24 Q. Did Richard Bosetti wave you down
 25 or did you spot Mr. Bosetti independently of

1 K. Lamm
 2 anything that Mr. Bosetti did?
 3 A. Spotted --
 4 MR. GOODSTADT: Objection.
 5 Q. What's that?
 6 A. Spotted him on my own.
 7 Q. Okay. And did you approach
 8 Mr. Bosetti or did Mr. Bosetti approach you
 9 once you spotted him?
 10 A. Myself and Tom Snyder approached
 11 Rich Bosetti.
 12 Q. Okay. And was Mr. Bosetti
 13 inebriated, in your opinion?
 14 A. He -- he had what appeared to be
 15 an alcoholic drink. Smelled the alcohol on
 16 him.
 17 Q. Okay. And did you have a
 18 conversation with Mr. Bosetti when you
 19 approached him outside of Houser's when you
 20 first rolled up?
 21 A. I asked him what happened.
 22 Q. And what did Mr. Bosetti say to
 23 you?
 24 A. He said there was someone being
 25 choked.

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1 K. Lamm
 2 Q. What was that?
 3 A. He said someone was being choked.
 4 Q. Choked, is that all he said?
 5 A. And I said, "Who was being
 6 choked?"
 7 Q. And what was his response?
 8 A. He didn't answer. Then the
 9 person that is now known to me as Chris
 10 Shalick, he said, "My friend was the one
 11 being choked."
 12 Q. Okay. So Chris Shalick was
 13 standing next to Richard Bosetti while you
 14 and Mr. Snyder were talking to him?
 15 A. Again, please.
 16 Q. Was -- was Mr. Shalick standing
 17 next to Mr. Bosetti, Richard Bosetti when
 18 you and Snyder were talking to him?
 19 A. Yes.
 20 Q. Okay. Had he always been there
 21 or did he come up while you were speaking
 22 with Mr. Bosetti?
 23 A. Both of them were there together
 24 upon the approach.
 25 Q. Okay. Were they involved in an

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| <p>1 K. Lamm 2 altercation at that time, to the best of 3 your recollection? 4 A. That's what we were asking. 5 Q. No. No. When you saw 6 Mr. Bosetti and you approached him and 7 Mr. Shalick was there with him, was him and 8 Mr. Shalick engaged in any type of 9 altercation? 10 A. I don't know if it was an 11 altercation. They seemed to be in close 12 together, but I don't know if it was an 13 altercation. 14 Q. And this was outside of Houser's? 15 A. Yes. 16 Q. Did you see either one of them 17 throw a fist? 18 A. No, I did not. 19 Q. Did you see either one of them 20 have their hands on the other? 21 A. No, I did not. 22 Q. Did either one of them appear to 23 you to be yelling at the other? 24 A. I don't believe they were. 25 Q. Did either one of them have their</p> | <p>1 K. Lamm 2 Q. As you walked up to Mr. Bosetti 3 and before you spoke to Mr. Bosetti, did you 4 ask who this individual was that was 5 standing in close proximity to Mr. Bosetti, 6 yes or no? 7 A. Yes. 8 Q. Okay. And did he -- before you 9 spoke to Mr. Bosetti, did this individual 10 identify himself? 11 A. I asked him what his name was. 12 He said, "Chris." 13 Q. And did you ask him his last 14 name? 15 A. I don't know if I asked him his 16 last name at that time. 17 Q. Okay. And you asked -- what 18 was -- what was the first question that you 19 asked Mr. Richard Bosetti? 20 MR. GOODSTADT: Objection. 21 A. I said, "What's going on here?" 22 Q. And did he answer you? 23 A. Yes. 24 Q. Okay. And I think you advised us 25 of his answer. Then what was the second</p> |
| Page 290 | Page 292 |
| <p>1 K. Lamm 2 finger in the other's face? 3 A. Not that I -- not that I can 4 recall. 5 Q. Okay. So now you went up and you 6 approached Mr. Bosetti. Did you ask who the 7 other individual was before you started 8 talking to Mr. Bosetti? 9 A. Which? The one that was there 10 with Rich Bosetti? 11 Q. Yes. You said it was Chris 12 Shalick, so -- 13 A. Who I understand to be known now. 14 Q. Yeah. Did you -- before you 15 started talking to Mr. Bosetti, did you 16 inquire with this other individual who he 17 was? 18 A. Right. Well, after we asked, you 19 know, what happened, the individual, Chris 20 Shalick, said, "It was my friend being 21 choked." Tommy asked Rich Bosetti -- Tom 22 Snyder asked Rich Bosetti, "Rich, what's 23 going on here?" And Rich walked away. 24 MO MR. NOVIKOFF: Motion to strike 25 as nonresponsive.</p> | <p>1 K. Lamm 2 question? 3 MR. GOODSTADT: Objection. 4 A. I said, "Who is this person?" 5 Q. You asked Mr. Bosetti who is this 6 person? 7 A. Um-hum. 8 Q. But you had known this person 9 because you had asked him before you spoke 10 to Mr. Bosetti who he was and he said Chris, 11 correct? 12 MR. GOODSTADT: Objection. 13 That distorts the testimony. 14 A. My understanding of the question 15 you just asked. 16 Q. I'm just trying to understand 17 what you said to the respective individuals. 18 Before you spoke to Mr. Richard Bosetti, did 19 you inquire with this individual what his 20 name was? 21 A. No. 22 Q. Oh. Okay. Fine. 23 A. Because I figured Rich would tell 24 me because he worked for the department. 25 MO MR. NOVIKOFF: Motion to</p> |

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1 K. Lamm
2 strike.
3 A. And tell me what happened.
4 MO MR. NOVIKOFF: Motion to strike
5 as nonresponsive after "no."
6 MR. GOODSTADT: Just objection.
7 Just to be clear, when you say "this
8 person," are you referring to -- I'm
9 not sure who you're referring to. I
10 think you're both referring to two
11 different people.
12 Q. Well, let's see. He testified --
13 correct me if I'm wrong -- that when he
14 approached Mr. Richard Bosetti, there was a
15 gentleman standing in close proximity to
16 him, correct?
17 A. Correct.
18 Q. And that's a person that you now
19 know to be Chris Shalick, correct?
20 A. That is correct.
21 Q. Was there another person standing
22 next to Mr. -- Mr. Bosetti?
23 A. No. Other than myself and Thomas
24 Snyder.
25 Q. That's right. Now before you

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1 K. Lamm
2 spoke to Mr. Bosetti, did you inquire with
3 this individual standing next to him who he
4 was?
5 A. No. I asked Richard Bosetti
6 first.
7 Q. Okay. Well, so you asked
8 Mr. Bosetti who this individual was?
9 A. No. I had asked Rich Bosetti as
10 to what had happened first.
11 Q. That's right. And -- and he --
12 did he answer you?
13 A. Yes.
14 Q. Okay. And then the next question
15 to Mr. Bosetti was what?
16 A. Who was the person --
17 Q. Standing next to him?
18 A. That was being --
19 Q. No? Okay. What was the
20 question?
21 A. Let me finish.
22 MR. GOODSTADT: That's where
23 the confusion came before.
24 A. Who was this person that was
25 being choked.

1 K. Lamm
2 Q. And what did he say, if anything?
3 A. That's when Chris Shalick jumped
4 in and said, "It was my friend being
5 choked."
6 Q. Okay. Did you ask Mr. Bosetti a
7 question after Mr. Shalick spoke?
8 A. I'm sorry. Say that again.
9 Q. Did you ask Mr. Bosetti a
10 question after Mr. Shalick spoke?
11 A. I asked him, "Well, Rich, what's
12 the story?" And he did not answer.
13 Q. Did you ask him again?
14 A. That's when Chris Shalick spoke
15 up and said, "My friend was in a choke --
16 was in a choke hold and I went to go pull
17 him out."
18 Q. Okay. So Mr. Shalick had said
19 two things to you then. One, who he was,
20 and two, that his friend was being choked;
21 is that correct?
22 A. That's right.
23 Q. Okay. Did you ask Mr. Bosetti
24 any other questions?
25 A. No. He had walked away.

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1 K. Lamm
2 Q. Did you advise Mr. Bosetti to
3 stay there so that you can further
4 investigate the incident before he left
5 away?
6 A. I figured that being that he
7 worked for the department, he would have
8 stayed there and helped us out.
9 MO MR. NOVIKOFF: Motion to strike
10 as nonresponsive.
11 Q. Did you ask Mr. Bosetti to stay
12 there so that you can continue your
13 investigation before he walked away?
14 A. No. Figured that he worked for
15 the department, he would stay there and help
16 us out.
17 MO MR. NOVIKOFF: Motion to strike
18 as nonresponsive after the word "no."
19 Q. Okay. When Mr. Bosetti walked
20 away, did you continue in your conversation
21 with Chris Shalick?
22 A. Yes, I did.
23 Q. Okay. During any of your
24 conversation with Mr. Bosetti, did you form
25 an opinion as to whether he was intoxicated

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| Page 297 | Page 299 |
| <p>1 K. Lamm</p> <p>2 or not?</p> <p>3 A. That who was intoxicated?</p> <p>4 Q. Mr. Bosetti.</p> <p>5 A. As I've said before, he appeared</p> <p>6 to have an alcoholic beverage in his hand</p> <p>7 and he smelled of alcohol.</p> <p>8 Q. How about from his speech, did</p> <p>9 you form an opinion from his speech whether</p> <p>10 or not he was intoxicated?</p> <p>11 A. No, I couldn't, because it was</p> <p>12 too short of an answer for him to continue</p> <p>13 speaking.</p> <p>14 Q. Did you look into his eyes and</p> <p>15 determine or form an opinion as to whether</p> <p>16 or not he was intoxicated?</p> <p>17 A. I don't recall that.</p> <p>18 Q. Did any aspect of his physical --</p> <p>19 of his physicality indicate to you, in your</p> <p>20 experience as a police officer, whether or</p> <p>21 not he was intoxicated?</p> <p>22 MR. GOODSTADT: Objection.</p> <p>23 A. That I don't recall.</p> <p>24 Q. How about Mr. Shalick, was he, in</p> <p>25 your opinion, intoxicated?</p> | <p>1 K. Lamm</p> <p>2 MR. GOODSTADT: Objection.</p> <p>3 MR. NOVIKOFF: Okay.</p> <p>4 A. Maybe three minutes.</p> <p>5 Q. Okay. What else did Mr. Shalick</p> <p>6 say to you, other than what you've testified</p> <p>7 to so far?</p> <p>8 A. That he was hit with a pool cue.</p> <p>9 Q. That Shalick was hit with a pool</p> <p>10 cue?</p> <p>11 A. Yeah. In attempt to pull his</p> <p>12 friend out of a choke hold.</p> <p>13 Q. Did Shalick indicate to you if</p> <p>14 the pool cue broke or not?</p> <p>15 A. I believe they said it broke.</p> <p>16 Q. Okay. During your conversation</p> <p>17 with him outside of Houser's?</p> <p>18 A. From what I can recall.</p> <p>19 Q. That's -- that's all I'm asking</p> <p>20 you to do. Now in this three-minute</p> <p>21 conversation with Mr. Shalick, do you recall</p> <p>22 him saying anything else to you that you</p> <p>23 haven't already testified to?</p> <p>24 A. I believe he stated that one of</p> <p>25 the individuals was a cop.</p> |
| Page 298 | Page 300 |
| <p>1 K. Lamm</p> <p>2 A. They had all been drinking, so.</p> <p>3 Q. Well, sir, we know that you</p> <p>4 weren't in the bar at the time of this</p> <p>5 incident, correct?</p> <p>6 A. Correct.</p> <p>7 Q. So hear my question. When you</p> <p>8 were speaking to Mr. Shalick, did you</p> <p>9 have -- form an opinion as to whether or not</p> <p>10 he was intoxicated?</p> <p>11 A. He smelled of alcohol.</p> <p>12 Q. Mr. Shalick did?</p> <p>13 A. Yes.</p> <p>14 Q. Did he have a drink in his hand?</p> <p>15 A. No, he didn't.</p> <p>16 Q. Okay. How long did you speak</p> <p>17 with Mr. Shalick outside of Houser's?</p> <p>18 A. Just a short while. Then we</p> <p>19 asked, myself and Tom Snyder, if he can</p> <p>20 identify the person.</p> <p>21 Q. All right. How long was the</p> <p>22 conversation? I know you say it's a short</p> <p>23 while, but that doesn't help me or</p> <p>24 Mr. Goodstadt. How long was the</p> <p>25 conversation?</p> | <p>1 K. Lamm</p> <p>2 Q. Okay. Do you recall anything</p> <p>3 else? Well, did you ask him what is the</p> <p>4 basis for his belief that one of the</p> <p>5 individuals was a cop? Now, again, this is</p> <p>6 just outside of Houser's.</p> <p>7 A. That's right. I asked him, "How</p> <p>8 did you know that?" And he said the</p> <p>9 individual stated it and he had a shield</p> <p>10 around his neck.</p> <p>11 Q. Okay. And by -- did you form an</p> <p>12 opinion by speaking with Mr. Shalick,</p> <p>13 whether or not he was intoxicated at the</p> <p>14 time that you were speaking with him?</p> <p>15 A. I didn't form any opinion at that</p> <p>16 time.</p> <p>17 Q. Did you inquire with Mr. Shalick</p> <p>18 as to how many drinks he had had that night</p> <p>19 while you were speaking to him outside?</p> <p>20 A. Not at that moment I didn't.</p> <p>21 Q. That's all I'm asking you. About</p> <p>22 that moment. Did you ask him?</p> <p>23 A. I don't believe I did at that</p> <p>24 moment.</p> <p>25 Q. Okay. Anything else you can</p> |

KEVIN LAMM
November 19, 2008

EDWARD CARTER, ET AL. VS.
1937 INCORPORATED VILLAGE OF OCEAN BEACH, ET AL.

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| <p>1 K. Lamm 2 recall Shalick saying to you during this 3 three-minute conversation outside of 4 Houser's? 5 A. No. I don't recall. 6 Q. What did you personally do next, 7 Mr. Lamm, after you ended your conversation 8 with Mr. Shalick, if anything? 9 A. Another person walked over and he 10 said -- that was a person John Tesoro -- 11 and he said that he was hit as well. And I 12 said, "Can you identify who it was if you go 13 back in the bar?" He said yes. 14 Q. How long was your conversation 15 with Mr. Tesoro? 16 A. Maybe a little over a minute. 17 Q. In your opinion, was Mr. Tesoro 18 inebriated at the time you were speaking 19 with him? 20 A. He didn't appear to be very 21 inebriated, but -- 22 Q. Well -- 23 A. I -- they have all been drinking, 24 so. 25 Q. Well, again, you weren't there at</p> | <p>Page 301</p> <p>1 K. Lamm 2 A. Went behind the two individuals. 3 Thomas Snyder took the lead. You had the 4 two individuals and then myself and 5 proceeded to go into Houser's Bar. 6 Q. Did you speak to anybody, other 7 than these two individuals, before you went 8 into Houser's Bar? 9 MR. GOODSTADT: And Gary -- and 10 Richie Bosetti. 11 MR. NOVIKOFF: Yes. And 12 Richard. 13 A. No. 14 Q. Did any civilians approach you 15 before you walked into Houser's Bar? 16 A. Not that -- 17 MR. GOODSTADT: Other than the 18 three people? 19 MR. NOVIKOFF: Yes. 20 A. Not that I can recall. 21 Q. Did you attempt to talk to any 22 of -- any civilians, other than the three 23 people we've been talking about, before you 24 went into the bar? 25 A. No.</p> |
| <p>1 K. Lamm 2 the time of the incident, so you don't know 3 firsthand whether or not they were drinking, 4 correct? 5 A. No. But just the -- the smell of 6 alcohol. 7 Q. Well, inebriation is like 8 pregnancy, sir, you either are inebriated or 9 you're not. So my question is whether or 10 not he was a little inebriated or a lot 11 inebriated, was he inebriated, in your 12 opinion, when you were speaking with him? 13 MR. GOODSTADT: Objection. 14 A. Yes. 15 Q. Okay. Did you ask Mr. Tesoro at 16 that time how many drinks he had consumed 17 that night? 18 A. No. I don't believe so. 19 Q. Okay. So did Mr. Tesoro say 20 anything to you, other than what you've just 21 testified to, in this conversation outside 22 of Houser's? 23 A. Not that I can recall. 24 Q. Okay. And what did you do next, 25 you personally, Mr. Lamm?</p> | <p>Page 302</p> <p>1 K. Lamm 2 Q. Okay. You went into the bar. 3 Did any bouncer stop you from going into the 4 bar? 5 A. The bouncer stopped Thomas 6 Snyder. 7 Q. Okay. So before you and 8 Mr. Snyder went in the first time, a bouncer 9 stopped you? 10 A. Not me. Thomas Snyder. 11 Q. Okay. Where were you when this 12 bouncer stopped Mr. Snyder? 13 A. As I said before, it was Thomas 14 Snyder, the two individuals and myself in 15 behind. 16 Q. Okay. And did you witness the 17 bouncer stopping Mr. Snyder? 18 A. Yes. I saw that. 19 Q. Did you hear what the bouncer had 20 said to Mr. Snyder, if anything? 21 A. I don't know what the bouncer 22 said to -- to Thomas Snyder. 23 Q. Do you know what Mr. Snyder said 24 to the bouncer, if anything? 25 A. Yes, I do.</p> |

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| Page 305 | Page 307 |
| <p>1 K. Lamm 2 Q. And you heard this? 3 A. Yes. 4 Q. What did you hear? 5 A. He says, "You can step aside or 6 you -- or you can be arrested for impeding a 7 police investigation." 8 Q. And did the bouncer step aside? 9 A. Yes, he did. 10 Q. So how long did it take between 11 the time that Mr. Snyder approached the 12 entrance to Houser's and the time that 13 Mr. Snyder went into Houser's? 14 A. To give an exact figure on it, I 15 couldn't tell you. I wasn't time clocking 16 it. 17 Q. I understand you weren't time 18 clocking it, but was it five seconds? 19 A. No. Maybe a little longer than 20 that. 21 Q. 10 seconds? 22 A. That the doorman was preventing 23 Thomas Snyder from getting in? 24 Q. Yeah. So it was about 10 25 seconds?</p> | <p>1 K. Lamm 2 you told them to -- and did you tell them 3 to look around or did Snyder tell them to 4 look around? 5 A. We both did. 6 Q. Same time? 7 A. Yeah. Well -- 8 Q. In stereo? At the same time you 9 told them both to look around? 10 A. As we got in there -- Tom -- 11 Thomas Snyder said, you know, "Look around. 12 See if you can identify anyone." And we 13 walked to the back of the -- of the 14 establishment out onto the back deck, and 15 that's when I said, "If you can -- if you 16 can identify anyone, let us know." 17 Q. So Shalick and Tesoro walked with 18 you through the bar to the back deck? 19 A. They did. 20 Q. Okay. Now you had known that the 21 Bosettis -- withdrawn. By virtue of the 22 call to Snyder, you were aware that someone 23 had alleged that the Bosettis were involved 24 in a fight, correct? 25 A. It may have only been one.</p> |
| Page 306 | Page 308 |
| <p>1 K. Lamm 2 A. I would use that for now. 10 3 seconds. 4 Q. I don't want you to agree with me 5 just for the sake of agreeing with me, sir. 6 I mean, I think it's clear you testified 7 that Snyder -- 8 A. I may recall later that it might 9 have been a different time, but for now, 10 10 seconds seems to be pretty somewhat fair. 11 Q. Okay. Great. What did you 12 personally do next once the bouncer 13 permitted you, Snyder, Tesoro and Shalick to 14 go in the bar? 15 MR. GOODSTADT: Objection. 16 A. We told them to look around. 17 Q. You told who to look around? 18 A. Chris Shalick. 19 Q. Okay. 20 A. John Tesoro. 21 Q. Did you tell them -- what did you 22 tell them to look for, if anything? 23 A. If they can identify the 24 individual. 25 Q. Okay. And what did you do after</p> | <p>1 K. Lamm 2 Q. Sir, let's go back to what -- 3 let's go back to what you testified to. You 4 said Snyder got a call, right? 5 A. Yes. 6 Q. And you said that Snyder told you 7 that the Bosettis were in a fight, correct? 8 A. Correct. 9 Q. So at least as of the time that 10 you rolled up to Houser's and spoke to 11 Richard Bosetti, you had no idea as to 12 whether it was either Richard or Gary 13 Bosetti in the fight, all you knew is that 14 someone had said the Bosettis were in a 15 fight, correct? 16 A. Correct. 17 Q. And given the knowledge that you 18 knew, according to the phone call, that the 19 Bosettis were in a fight, you permitted 20 Richard Bosetti to leave a potential crime 21 scene, correct? 22 MR. GOODSTADT: Objection. 23 A. I didn't give him any potential 24 to leave. He worked for the department. 25 Q. Was he a civilian at the time or</p> |

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1 K. Lamm
 2 was he on duty at the time?
 3 A. He was a civilian at the time.
 4 He was a civilian then, too, because he was
 5 never certified to be a police officer.
 6 Q. Yeah. I get that, sir. But he
 7 wasn't on duty at the time, was he?
 8 A. No, he wasn't. But if he worked
 9 for the department, you figured he would
 10 have helped us out.
 11 MO MR. NOVIKOFF: Motion to
 12 strike.
 13 Q. Was he on duty at the time, sir?
 14 A. No, he wasn't.
 15 Q. Okay. And you know of no
 16 impediment, no law that says you can't
 17 arrest an off duty police officer who may be
 18 involved in a physical altercation, do you?
 19 A. Not that I'm aware of.
 20 Q. Are you aware of any law in the
 21 State of New York that says you can't detain
 22 an off duty police officer who you have
 23 become aware of may be involved in a crime?
 24 A. Not that I'm aware of.
 25 Q. Right. Okay. So now you're in

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1 K. Lamm
 2 approached Rich Bosetti and asked, "Where's
 3 your brother?"
 4 Q. I'm not talking about what took
 5 place outside. When you were in the bar,
 6 did you look for Gary Bosetti? You
 7 personally?
 8 A. When I was inside the bar --
 9 Q. Yes. That's what I'm asking.
 10 A. I -- I'm giving you the answer.
 11 Q. Okay.
 12 A. I asked Rich Bosetti, "Where is
 13 your brother?"
 14 Q. You said Rich Bosetti walked
 15 away?
 16 A. He went back into the bar.
 17 Q. Oh, so while you were talking
 18 with Shalick, Bosetti walked away and went
 19 back into the bar, is that your testimony?
 20 A. Yes.
 21 Q. Okay. So when you were in the
 22 bar, you approached Richard Bosetti?
 23 A. Yes.
 24 Q. And what did you ask him?
 25 A. "Where's your brother?"

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1 K. Lamm
 2 the bar and you have knowledge that the
 3 Bosettis have been in a fight, correct, at
 4 least according to the phone call to Snyder,
 5 right?
 6 A. Yes.
 7 Q. You knew what Gary Bosetti looked
 8 like -- looked like, correct?
 9 A. Yes.
 10 Q. There was no doubt as to what
 11 Gary Bosetti looked like, in your opinion,
 12 right?
 13 A. That's right.
 14 Q. So can you explain for the jury
 15 if you were aware as to who may have been
 16 involved in the fight, why you needed the
 17 civilians to see if Gary Bosetti was in the
 18 bar?
 19 A. Because they were there for the
 20 incident and they had to identify the person
 21 that was in this altercation with them.
 22 Q. Did you look by yourself --
 23 withdrawn. Did you look for Gary Bosetti
 24 while you were in the bar?
 25 A. Myself and Thomas Snyder

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1 K. Lamm
 2 Q. And what did he say?
 3 A. He didn't answer.
 4 Q. Did you ask him anything else?
 5 A. Thomas Snyder.
 6 Q. No. You. Did you ask him
 7 anything else?
 8 A. I said, "What happened in here?"
 9 And he still didn't answer.
 10 Q. But you had already asked him
 11 that outside, right?
 12 A. Yes.
 13 Q. Did you -- why didn't you ask him
 14 outside where his brother was, since you had
 15 known by that time that the Bosettis were
 16 involved in a fight?
 17 A. Because we didn't have all the
 18 facts yet.
 19 Q. You didn't have any more facts
 20 when you walked in, did you?
 21 A. That's why they had to go inside
 22 and identify.
 23 Q. But, sir, you were told on the
 24 phone call that the Bosettis were in a
 25 fight, right?

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| 1 K. Lamm 2 A. I was not told that. 3 Q. You heard that from Snyder? 4 A. Yes. 5 Q. You knew what Snyder had told you 6 when you first approached Bosetti outside, 7 right? 8 A. Yes. 9 Q. But you didn't ask Richard 10 Bosetti when you were outside where his 11 brother was, did you? 12 A. No. 13 Q. Okay. So let's go back inside. 14 You asked Bosetti where his brother was and 15 he didn't answer you, right? 16 A. Right. 17 Q. You asked Richard Bosetti what 18 went on and he didn't answer you? 19 A. Right. 20 Q. Did you believe he was being 21 uncooperative in the investigation? 22 A. Yes. 23 Q. Okay. So if I understand this 24 correctly, you are aware from a phone call 25 that Mr. Richard Bosetti was potentially | Page 313 | 1 K. Lamm 2 when we walked in there, he was in there. 3 Q. And you asked him two questions 4 which he didn't answer? 5 A. Right. 6 Q. At some point in time, did Rich 7 Bosetti leave the bar? 8 A. I'm sure he did, after we left. 9 Q. So while you were still there, 10 Richard Bosetti was there? 11 A. Yes. 12 Q. Is that your testimony? 13 A. Yes. 14 Q. Okay. So let's stay there. Did 15 you ask Richard Bosetti any other questions 16 concerning the incident while you were in 17 Houser's for the first time? 18 A. I believe -- I -- just from what 19 I remember, I asked him, "What happened in 20 here and where's your brother?" 21 Q. Okay. So those are the only two 22 questions you recall asking him? 23 A. From what I can recall, yes. 24 Q. Did Mr. Snyder, in your presence, 25 ask Mr. Richard Bosetti any questions? | Page 315 |
| 1 K. Lamm 2 involved in hitting someone with a pool cue, 3 he was being uncooperative in an 4 investigation, and you allowed him to leave 5 the bar; is that correct? 6 A. We didn't know if Rich Bosetti 7 hit anyone with a pool cue. 8 Q. That wasn't my question, sir. 9 Sir, you were advised by Mr. Snyder that 10 someone had called up and said the Bosettis 11 were in a fight, right? 12 A. Yes. 13 Q. You were told by Shalick and 14 Tesoro that someone had swung and hit them 15 with a pool cue, right? 16 A. Yes. 17 Q. Okay. Bosetti was in the bar, 18 right? 19 MR. GOODSTADT: Objection. 20 Q. Correct? 21 MR. GOODSTADT: Which Bosetti? 22 A. At what time? 23 Q. Rich Bosetti, when you first 24 walked in the bar, right? 25 A. He went back into the bar, and | Page 314 | 1 K. Lamm 2 A. Yes. 3 Q. What did Mr. Snyder ask him? 4 A. From what I can recall, I 5 remember him asking basically the same 6 thing. "Where's your brother?" 7 Q. Okay. And was Mr. Richard 8 Bosetti as uncooperative with regard to 9 Snyder's questions as he was with yours? 10 A. Yes. 11 Q. Okay. Did Mr. Fiorillo, in your 12 presence, ask Mr. Richard Bosetti any 13 questions while you were in the bar? 14 A. Mr. Fiorillo was not inside the 15 bar. 16 Q. Okay. Was Mr. Fiorillo ever 17 inside the bar while you and Mr. Snyder were 18 in the bar? 19 A. I don't believe so. 20 Q. Okay. That's -- that's fine. So 21 Richard Bosetti was uncooperative in 22 response to your two questions. What, if 23 anything, did you do next? Well, let me ask 24 you a question. Did you talk to Richard 25 Bosetti as soon as you got into the bar? | Page 316 |

KEVIN LAMM
November 19, 2008

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1 K. Lamm
 2 A. No. As soon as we got into the
 3 bar, we went to the back deck for them to
 4 make an ID.
 5 Q. And did they make an ID?
 6 A. They said, "He's not in here."
 7 But they pointed to Rich Bosetti and they
 8 said, "He was with this guy and he looked
 9 like this guy."
 10 Q. Okay. Did you -- well, what did
 11 you do next after -- well, who said "he
 12 looked like this guy"?
 13 A. Chris Shalick.
 14 Q. After Chris Shalick made this
 15 statement to you, what, if anything, did you
 16 do next?
 17 A. I went over by the bar itself and
 18 there was somebody there by the name of Dan
 19 McKenna, and I asked him what he seen in
 20 here tonight.
 21 Q. And what did he say?
 22 A. "I didn't see anything. I'm
 23 going home."
 24 Q. Okay. And what, if anything, did
 25 you do next?

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1 K. Lamm
 2 A. We had them continue looking
 3 around by the bathrooms.
 4 Q. Okay.
 5 A. And they said, "He's not in
 6 here."
 7 Q. And what, if anything, did you
 8 personally do next?
 9 A. They said that they had injuries,
 10 and I asked out loud if anybody seen
 11 anything happen in here tonight.
 12 Q. And what, if anything, came back
 13 to you in response?
 14 A. There was no response.
 15 Q. Okay. How many people were in
 16 the bar at that time?
 17 A. At that time, maybe 10 or less
 18 than 10 at that time.
 19 Q. Did you take the names down of
 20 the people that were in the bar at that
 21 time?
 22 A. No.
 23 Q. Did you inquire with Mr. Tesoro
 24 or Mr. Shalick as to whether Richard Bosetti
 25 was involved in the physical altercation?

1 K. Lamm
 2 A. I don't remember at that time if
 3 I did or not.
 4 Q. Specifically you now, did you ask
 5 Mr. Tesoro what happened -- while you were
 6 in the bar now, did you ask Mr. Tesoro his
 7 version of the events?
 8 A. He said that --
 9 Q. My question is, did you ask
 10 Mr. Tesoro to describe for you his version
 11 of the events that happened?
 12 A. I asked him to tell me, but
 13 exactly where I asked him, whether I was
 14 inside the bar at that time or just had
 15 left, I don't remember where I asked him.
 16 Q. Okay. Next -- same question with
 17 regard to Mr. Shalick?
 18 A. Same thing.
 19 Q. Okay. How long were you in the
 20 bar for? You personally now. I'm not
 21 asking you about Snyder.
 22 A. Maybe close to 10 minutes.
 23 Q. Okay. Had any further
 24 conversations with Mr. Richard Bosetti while
 25 you were in the bar for these 10 minutes

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1 K. Lamm
 2 maybe?
 3 A. No.
 4 Q. Okay. Did you instruct
 5 Mr. Bosetti to come with you to the police
 6 station to give a statement prior to you
 7 leaving the bar?
 8 A. I don't remember exactly, but at
 9 that time, we needed to aid the -- aid the
 10 victims. Get them first aid.
 11 MO Q. My question to you, sir, is --
 12 and motion to strike -- did you ask
 13 Mr. Bosetti, Richard Bosetti to accompany
 14 you to the police station to give his
 15 version of the events?
 16 A. I don't recall.
 17 Q. Okay. Did you look for the pool
 18 cue that Mr. Shalick had said was broken in
 19 half?
 20 A. Yes, we did.
 21 Q. Did you find it?
 22 A. No.
 23 Q. How long did you look for it?
 24 A. For as long as we were in there.
 25 Q. You looked under every table?

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| Page 321 | Page 323 |
| <p>1 K. Lamm</p> <p>2 A. From what I can remember, there</p> <p>3 were small tables up against the wall. The</p> <p>4 floor was opened.</p> <p>5 Q. What did -- did you look under</p> <p>6 the pool table?</p> <p>7 A. Yes.</p> <p>8 Q. Okay.</p> <p>9 A. And on the pool rack.</p> <p>10 Q. Okay. What did you -- so you saw</p> <p>11 no evidence of a broken pool cue, correct?</p> <p>12 A. No.</p> <p>13 Q. What did you personally do next</p> <p>14 upon your leaving Houser's?</p> <p>15 A. Escorted the two individuals back</p> <p>16 to the police station.</p> <p>17 Q. Did you ever go back to Houser's</p> <p>18 the morning of the 31st to further</p> <p>19 investigate the incident?</p> <p>20 A. No.</p> <p>21 Q. Are you aware if Mr. Snyder ever</p> <p>22 went to -- back to Houser's the morning of</p> <p>23 the 31st to further investigate the</p> <p>24 incident?</p> <p>25 A. I'm not aware if he did.</p> | <p>1 K. Lamm</p> <p>2 was going to be a cover up?</p> <p>3 A. I believe going back to the</p> <p>4 police station, that's when Chris Shalick</p> <p>5 said that this is going to be a cover up.</p> <p>6 Q. Sir, my question to you is, other</p> <p>7 than Mr. Shalick, between the time that you</p> <p>8 left Houser's Bar and the time you got to</p> <p>9 the police station, did anybody say to you</p> <p>10 that they believed it was -- there was going</p> <p>11 to be a cover up?</p> <p>12 A. Not that I can recall.</p> <p>13 Q. Okay. Did you have Gary</p> <p>14 Bosetti's cell phone number?</p> <p>15 A. Not personally on me.</p> <p>16 Q. Could you have acquired that cell</p> <p>17 phone number?</p> <p>18 A. Yes, I could have.</p> <p>19 Q. How could you have?</p> <p>20 A. I would have to go through the</p> <p>21 police Rolodex.</p> <p>22 Q. And that was in the police</p> <p>23 station?</p> <p>24 A. Yes.</p> <p>25 Q. Did you attempt to reach Gary</p> |
| Page 322 | Page 324 |
| <p>1 K. Lamm</p> <p>2 Q. How about Mr. Fiorillo?</p> <p>3 A. I'm not aware if he did.</p> <p>4 Q. Okay. Now did any patron state,</p> <p>5 in your presence in Houser's Bar, that they</p> <p>6 were afraid that there was going to be a</p> <p>7 cover up when you were in the bar?</p> <p>8 A. Chris Shalick said something that</p> <p>9 this -- this is going to be covered up.</p> <p>10 Exactly where and when he stated that, I'm</p> <p>11 not sure if it was inside the bar, outside</p> <p>12 the bar, but he said it inside the police</p> <p>13 station.</p> <p>14 Q. Other than Mr. Shalick, in the</p> <p>15 bar itself, did any other individual say</p> <p>16 that they believed that there was going to</p> <p>17 be a cover up?</p> <p>18 A. I don't recall.</p> <p>19 Q. Before you walked into Houser's,</p> <p>20 did you hear anybody say that there was</p> <p>21 going to be a cover up?</p> <p>22 A. I don't remember at this time.</p> <p>23 Q. As -- when you left Houser's and</p> <p>24 before you got to the police station, did</p> <p>25 anyone state, in your presence, that there</p> | <p>1 K. Lamm</p> <p>2 Bosetti via cell phone the morning of</p> <p>3 October 31, 2004?</p> <p>4 A. No, I did not.</p> <p>5 Q. Did you call Sergeant Hesse at</p> <p>6 any point in time during the morning of</p> <p>7 October 31, 2004? You personally now, I'm</p> <p>8 not asking you about anybody else.</p> <p>9 A. No, I did not call Sergeant</p> <p>10 Hesse.</p> <p>11 Q. Did you call Chief Paridiso at</p> <p>12 any time during the morning of October 31,</p> <p>13 2004?</p> <p>14 A. No, I did not.</p> <p>15 Q. Okay. Did you call Mayor Rogers?</p> <p>16 A. No.</p> <p>17 Q. Okay. Now what -- when you got</p> <p>18 to the police station, what time was it?</p> <p>19 A. Close -- close to 3:00 a.m.</p> <p>20 Q. Okay. What, if anything, did you</p> <p>21 do next at 3:00 a.m. when you went to the</p> <p>22 police station with Shalick and Tesoro? You</p> <p>23 personally now, not anybody else.</p> <p>24 A. I asked about his -- about his</p> <p>25 injury and he was holding his arm. And I</p> |

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| 1 K. Lamm 2 gave him an ice pack at that time. 3 Q. Did you ask him -- and who is 4 this again? 5 A. Shalick. 6 Q. Did you ask Shalick to -- to 7 describe for you his version of the events 8 when he was in the police station? 9 A. Yes. That's -- we took out 10 statement forms. 11 Q. Okay. And did you take notes 12 down as he was writing before you put -- 13 well, who wrote the statement, you or 14 Shal -- you or Shalick? 15 A. Chris Shalick wrote the statement 16 I believe. 17 Q. Okay. Did you take any notes of 18 anything that Mr. Shalick said? 19 A. I may have. I don't recall that. 20 Q. Okay. Did you take any -- did 21 you have any communication with Vankoot that 22 evening? 23 A. Yes, I did. When we got back to 24 the station, Frank, shortly after, brought 25 another -- a third individual back who was | Page 325 1 K. Lamm 2 telling you this? 3 A. I asked him about what had 4 happened. 5 Q. Was it your responsibility that 6 night to take Mr. Tesoro's statement? 7 A. Yes. He was there. I took his 8 statement. 9 Q. You took -- as opposed to Snyder 10 or Fiorillo, you took Mr. Tes -- Mr. 11 Tesoro's statement? 12 A. I believe I took his statement. 13 Q. And as opposed to Snyder and 14 Fiorillo, you took Shalick's statement? 15 A. I took Shalick's statement, yes. 16 Q. Did you take Vankoot's statement? 17 A. I think one of the other officers 18 took Vankoot's statement. 19 Q. And did you take any -- any 20 notes with regard to what Tesoro said to 21 you? 22 A. I don't recall. I took -- I had 23 taken photos of the injuries and rescue was 24 called. 25 Q. Okay. Where did Tesoro write out |
| Page 326 1 K. Lamm 2 Brian Vankoot, who had injuries to his face 3 and -- and his throat. 4 Q. And what communications, if any, 5 did you have with Vankoot? 6 A. He said that he was in a choke -- 7 choke hold. 8 Q. Did you ask him -- I mean, what 9 precipitated him telling you this 10 specifically? 11 A. I don't remember exactly. 12 Q. Is that the only communication 13 that you had with Vankoot -- Vankoot while 14 he was in the police station? 15 A. There may have been more, but I 16 don't remember. 17 Q. Okay. Did you have any 18 communications with Tesoro when he was in 19 the police station? 20 A. Yes, I did. 21 Q. Describe for me the 22 communications that you had with Tesoro. 23 A. He said that he was hit with a 24 fist or a foot about the head. 25 Q. What precipitated Mr. Tesoro | Page 326 1 K. Lamm 2 his statement? 3 A. I believe it was -- it was in the 4 police station. 5 Q. Was Richard Bosetti in the police 6 station at any point in time between the 7 time that you arrived at the police station 8 with Tesoro and Shalick and the time that 9 rescue came? 10 A. Yes. Rich Bosetti did come in 11 the police station. 12 Q. And did you attempt to question 13 him? 14 A. When he came in there, he said he 15 was going to use the bathroom, and that's 16 when Chris Shalick pointed and said, "This 17 is going to be a cover up," and we asked 18 Rich to leave because he was disrupting 19 the -- the victims. 20 Q. Well, what was he doing that was 21 disruptive? 22 A. Because when he came in there, 23 they seemed to get a little rambunctious, 24 and we asked Rich to leave. 25 Q. What do you mean by rambunk -- |

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| Page 329 | Page 331 |
| <p>1 K. Lamm 2 "rambunctious"?</p> <p>3 A. Because they were say -- Chris 4 Shalick was saying that this is going to be 5 a cover up, and he seemed to get agitated, 6 so that's when we asked Rich to leave.</p> <p>7 Q. Did Vankoot get agitated?</p> <p>8 A. No.</p> <p>9 Q. Did Vankoot say there was going 10 to be a cover up?</p> <p>11 A. I don't recall.</p> <p>12 Q. Did Tesoro get agitated?</p> <p>13 A. I don't recall.</p> <p>14 Q. Did Tesoro get -- did Tesoro say 15 there was going to be a cover up?</p> <p>16 A. I don't recall.</p> <p>17 Q. So how long did you personally 18 see Richard Bosetti in the -- in the police 19 station?</p> <p>20 A. Maybe two minutes.</p> <p>21 Q. Okay. And how long -- was there 22 any other civilians in the police station 23 when Vankoot, Shalick and Tesoro were in the 24 police station?</p> <p>25 A. I think later one of the friends,</p> | <p>1 K. Lamm 2 within four minutes.</p> <p>3 Q. And how long did they stay?</p> <p>4 A. They stayed for quite a while, 5 because we had to call a Suffolk County 6 police boat to come transport the aided off 7 the island.</p> <p>8 Q. When did -- when did -- when did 9 the three gentlemen that were alleged 10 victims leave the police station?</p> <p>11 A. Well, I believe my -- I believe 12 one of them, which is Bri -- Vankoot, he was 13 taken off by police boat. And exact time, 14 I -- I don't know an exact time. But he 15 was -- EMTs said that he had an unaligned 16 trachea.</p> <p>17 MO MR. NOVIKOFF: Okay. Motion to 18 strike as nonresponsive.</p> <p>19 Q. When -- how did the other two 20 alleged victims leave the police station?</p> <p>21 A. I believe they walked out, from 22 what I can remember.</p> <p>23 Q. How long after -- well, did they 24 leave -- did they walk out before or after 25 Vankoot was taken out of the police station?</p> |
| Page 330 | Page 332 |
| <p>1 K. Lamm 2 a girlfriend came by the station when he was 3 in there. Vankoot.</p> <p>4 Q. And did you take the statement of 5 the girlfriend?</p> <p>6 A. I myself didn't.</p> <p>7 Q. Did you ask the girlfriend what 8 happened?</p> <p>9 A. Not me myself, no.</p> <p>10 Q. Okay. Other than the girlfriend 11 and the three individuals that we're talking 12 about and Richard Bosetti, were there any 13 other civilians in the police station?</p> <p>14 A. If you want to consider the EMTs 15 civilians.</p> <p>16 Q. How long after you arrived did 17 the EMT people come?</p> <p>18 A. Well, when they were called, they 19 came to the station.</p> <p>20 Q. Yeah. How long was it?</p> <p>21 A. Were they there at the station 22 or --</p> <p>23 Q. You arrived at 3:00. When did 24 they arrive?</p> <p>25 A. Quickly. Maybe within -- maybe</p> | <p>1 K. Lamm 2 A. I think after Vankoot left on the 3 boat is when they left.</p> <p>4 Q. How long after Vankoot left on 5 the boat did the individuals leave, the 6 other two individuals leave?</p> <p>7 A. It was around the same time 8 frame.</p> <p>9 Q. And after Tesoro gave his 10 statement, did you have any further 11 communications with him while he was in the 12 police station?</p> <p>13 A. If I did, I don't recall it.</p> <p>14 Q. After -- I'm sorry, let me ask 15 the question again. After Tesoro wrote out 16 his statement, did you have any further 17 communications with him in the police 18 station?</p> <p>19 A. I may have, but I -- I don't 20 recall. Rescue came in there and was 21 administering treatment.</p> <p>22 MO MR. NOVIKOFF: Motion to strike 23 everything after "I don't recall."</p> <p>24 Q. After Shalick wrote out his 25 statement, did you have any further</p> |

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| <p>1 K. Lamm</p> <p>2 communications with him while he was in the</p> <p>3 police station?</p> <p>4 A. Yes.</p> <p>5 Q. And what did -- what was the sum</p> <p>6 and substance of this communication?</p> <p>7 A. He stated that his friend was in</p> <p>8 a choke hold and he went to pull his friend</p> <p>9 out of the choke hold, and that's when he</p> <p>10 got hit with the pool cue.</p> <p>11 Q. All right. Did he say anything</p> <p>12 else about what led up to the incident?</p> <p>13 Actually, let me rephrase the question. Did</p> <p>14 Shalick ever discuss with you, outside of</p> <p>15 his written statement, what he perceived to</p> <p>16 have happened that led up to the alleged</p> <p>17 physical altercation with Gary Bosetti?</p> <p>18 A. I don't recall that.</p> <p>19 Q. Did you ask him that?</p> <p>20 A. I may have.</p> <p>21 Q. Do you recall as you sit here</p> <p>22 today doing it?</p> <p>23 A. At this time, I don't.</p> <p>24 Q. With Tesoro, did you ever ask</p> <p>25 Tesoro, independent of his written</p> | <p>1 K. Lamm</p> <p>2 Q. How soon prior to the end of your</p> <p>3 5:00 shift did every alleged victim leave</p> <p>4 the police station?</p> <p>5 MR. GOODSTADT: Objection.</p> <p>6 MR. NOVIKOFF: Yeah, I know.</p> <p>7 It was ugly form, but it's late.</p> <p>8 A. To give an exact timing, I</p> <p>9 couldn't.</p> <p>10 Q. Approximate?</p> <p>11 A. But maybe we'll say 4:30.</p> <p>12 Q. Okay. What forms did you</p> <p>13 personally fill out, if any, before the end</p> <p>14 of your shift on October 31, 2004?</p> <p>15 A. It was just one of the statement</p> <p>16 forms I -- that they had wrote on. I had to</p> <p>17 sign it.</p> <p>18 Q. Okay. And whose did you sign?</p> <p>19 A. Chris Shalick's.</p> <p>20 Q. Okay. You didn't sign Tesoro's?</p> <p>21 A. I'm not sure if I did.</p> <p>22 Q. Okay. Why did you have to sign</p> <p>23 Shalick's form?</p> <p>24 A. I was the officer there that he</p> <p>25 was giving the statement to.</p> |
| <p>1 K. Lamm</p> <p>2 statement, what he perceived took place that</p> <p>3 led up to the physical altercation with Gary</p> <p>4 Bosetti?</p> <p>5 A. I believe he went in to -- to</p> <p>6 help his friend, from what he had stated,</p> <p>7 and that's when he was hit as well.</p> <p>8 MO MR. NOVIKOFF: Motion to strike</p> <p>9 as nonresponsive.</p> <p>10 Q. My question to you is, did you</p> <p>11 ask Tesoro what his version of the events</p> <p>12 were that led up to the physical</p> <p>13 altercation, independent of -- of what he</p> <p>14 may have written in his written statement?</p> <p>15 A. I may have, but I don't recall</p> <p>16 that.</p> <p>17 Q. Fine. What forms did you fill</p> <p>18 out -- well, when did you leave -- when</p> <p>19 did your shift end that night?</p> <p>20 A. Mine ended at 5:00 a.m.</p> <p>21 Q. 5:00 a.m. on October 31?</p> <p>22 A. Yes.</p> <p>23 Q. You came into the police station</p> <p>24 at 3:00 with the alleged victims, correct?</p> <p>25 A. Approximately.</p> | <p>1 K. Lamm</p> <p>2 Q. Okay. Other than you signing off</p> <p>3 on Shalick's form and maybe Tesoro's form,</p> <p>4 what other forms, if any, did you personally</p> <p>5 write out before the end of your shift on</p> <p>6 October 31, 2004?</p> <p>7 A. I don't believe I personally</p> <p>8 wrote out any other forms.</p> <p>9 Q. That's -- that's fine. Did you</p> <p>10 write out any forms after October 31, 2004</p> <p>11 concerning the Halloween incident?</p> <p>12 A. I was asked to write a statement.</p> <p>13 Q. My question isn't what you were</p> <p>14 asked. Did you write out any official</p> <p>15 police forms, after October 31, 2004,</p> <p>16 concerning the Halloween incident?</p> <p>17 A. Handwritten as you say "write</p> <p>18 out"?</p> <p>19 Q. Yeah.</p> <p>20 A. No.</p> <p>21 Q. Did you type out?</p> <p>22 A. Yes.</p> <p>23 Q. What did you type out?</p> <p>24 A. I was asked to give a statement</p> <p>25 as to what the events were of that incident.</p> |

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| <p>1 K. Lamm</p> <p>2 Q. Who asked you?</p> <p>3 A. George Hesse.</p> <p>4 Q. When did George Hesse ask you 5 this?</p> <p>6 A. A few days after. Maybe four 7 days, five days after.</p> <p>8 Q. Now this was off season, correct?</p> <p>9 A. Yes.</p> <p>10 Q. Did George Hesse ask you -- I 11 mean, did he ask you this over the phone?</p> <p>12 A. I don't know if it was in phone 13 or it was the next day when I was working.</p> <p>14 But he did -- he did ask me.</p> <p>15 Q. It could have been -- could have 16 been the evening of October -- of November 17 1?</p> <p>18 A. It could have been. It could 19 have been the next day I was working.</p> <p>20 Q. What did Mr. Hesse ask you?</p> <p>21 A. For me to write out a statement 22 as to what had happened.</p> <p>23 Q. Did Mr. Hesse ask you why he 24 wanted you to write out a statement?</p> <p>25 MR. GOODSTADT: Objection.</p> | <p>1 K. Lamm</p> <p>2 Q. Okay.</p> <p>3 A. Again, uncommon practice.</p> <p>4 MO MR. NOVIKOFF: I got that.</p> <p>5 Motion to strike.</p> <p>6 Q. How long was this statement?</p> <p>7 A. I believe two pages.</p> <p>8 Q. Okay. And what was the next 9 communication -- well, did you have any 10 communication with Chief Paridiso concerning 11 the Halloween incident?</p> <p>12 MR. GOODSTADT: At any time or 13 in that time frame?</p> <p>14 MR. NOVIKOFF: In the time 15 frame between the Halloween incident 16 and the end of the year.</p> <p>17 A. I don't -- I don't believe I 18 did. I may have, but I'm not for certain.</p> <p>19 Q. Before -- between the end -- 20 between the new year and June, the end of 21 June 2005, did you have any communication 22 with Chief Paridiso concerning the Halloween 23 incident?</p> <p>24 A. Other than the fact that John 25 Cherry, Patrick Cherry was the one doing an</p> |
| Page 338 | Page 340 |
| <p>1 K. Lamm</p> <p>2 A. I don't recall. But it was an 3 uncommon practice.</p> <p>4 Q. Well, I was going to get to that. 5 But my question to you is, did Mr. -- 6 Mr. Hesse -- no. I'm sorry. Did Mr. Hesse 7 advise you as to why he was asking you -- 8 advising you -- did Mr. Hesse advise you as 9 to why he was asking you to write out the 10 statement, type out the statement?</p> <p>11 A. He just said he wanted to know 12 what had happened.</p> <p>13 Q. And did you make -- did you 14 respond to him in any way?</p> <p>15 A. I said yes, okay, and I typed 16 something out.</p> <p>17 Q. And did -- who did you give it 18 to?</p> <p>19 A. It was sent to George Hesse.</p> <p>20 Q. How did you send it to George 21 Hesse?</p> <p>22 A. Through an email.</p> <p>23 Q. What was your next communication 24 with George -- oh, through an email?</p> <p>25 A. Yes.</p> | <p>1 K. Lamm</p> <p>2 investigation on it. That was it.</p> <p>3 Q. Well, when did you have a 4 communication with Chief Paridiso concerning 5 Pat Cherry doing the investigation?</p> <p>6 A. I received that communication 7 from actually George Hesse about Cherry 8 doing the investigation on the Halloween 9 incident.</p> <p>10 Q. Okay. So my question to you is, 11 what communications did you have with Chief 12 Paridiso before the end of June '05 13 concerning the Halloween incident?</p> <p>14 A. I don't believe -- if I did have 15 any, I don't recall it.</p> <p>16 Q. That's fine. After you emailed 17 your statement to Chief -- to Mr. Hesse, 18 when was your next communication, if any, 19 with Mr. Hesse concerning the Halloween 20 incident?</p> <p>21 A. The next time I saw him when 22 working, I asked him what's going on with 23 the -- with the incident.</p> <p>24 Q. And what did he say to you, if 25 anything?</p> |

KEVIN LAMM
November 19, 2008

EDWARD CARTER, ET AL. VS.
INCORPORATED VILLAGE OF OCEAN BEACH, ET AL.

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1 K. Lamm
 2 A. He said -- he said it's under
 3 investigation.
 4 Q. And what did you say to him, if
 5 anything?
 6 A. I said, "Okay. Well, let me know
 7 if you need anything."
 8 Q. And what did he say?
 9 A. "Okay."
 10 Q. What was your next communication
 11 with Mr. Hesse after that communication
 12 concerning the Halloween incident?
 13 A. I asked him one more time. It
 14 was approximately -- maybe another month or
 15 so, five weeks after, and I said, "Anything
 16 happen with the investigation of the
 17 Halloween incident?" He says, "It's still
 18 under investigation."
 19 Q. Was that your last communication
 20 with Mr. Hesse concerning the Halloween
 21 incident before the end of the year?
 22 A. End of the year as in what year?
 23 Q. 2004?
 24 A. No. I said at first I had a
 25 communication with him after I wrote the

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1 K. Lamm
 2 Q. And what, if anything, did you
 3 respond?
 4 A. I said, "How were we not needed?
 5 We were there for it."
 6 Q. And what, if anything, did Hesse
 7 respond?
 8 A. He said, "The statement you wrote
 9 was no good and that's not what happened."
 10 Q. And what -- okay. I'm sorry.
 11 Did --
 12 A. Yes, you interrupted me. It's
 13 okay. I said, "How do you know what
 14 happened? You weren't there. I was."
 15 Q. And what, if anything, did Hesse
 16 say to you?
 17 A. He says, "What you wrote wasn't
 18 any good," and he pointed to himself, and he
 19 says, "I know what happened," and he held up
 20 a folder, and he said, "This is what
 21 happened."
 22 Q. And what, if anything, did you
 23 say in response to Hesse?
 24 A. I said, "The statement that I
 25 wrote is what happened."

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1 K. Lamm
 2 statement, so maybe it was just the
 3 beginning of the -- the new year.
 4 Q. Oh, okay.
 5 A. Two communications.
 6 Q. Between -- and other than those
 7 two communications that you've just
 8 testified to, when was the next time, if
 9 any, that you had a communication with
 10 Mr. Hesse concerning the Halloween incident?
 11 A. The next time he spoke to me was
 12 in June of 2005.
 13 Q. And what, if anything, did he
 14 say?
 15 A. He said, "I just wanted to tell
 16 you that the Halloween investigation is
 17 over."
 18 Q. And what did you say in response,
 19 if anything?
 20 A. I said, "How come we weren't
 21 asked to appear in court or -- or asked our
 22 side of the story?"
 23 Q. And what, if anything, did he
 24 respond?
 25 A. He said, "You weren't needed."

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1 K. Lamm
 2 Q. And what, if anything, did Hesse
 3 say to you?
 4 A. He goes, "I want you to take a
 5 look at this and -- and see what we have."
 6 MR. NOVIKOFF: Okay. Let --
 7 we're going to continue with this. We
 8 have to change the tape. Can we just
 9 stay in the room instead --
 10 MR. GOODSTADT: I have to use
 11 the restroom. I won't --
 12 MR. NOVIKOFF: Yeah. Let's not
 13 take long because I don't think I have
 14 all that much, and I'd just as soon get
 15 done in the next 10 or 15 minutes
 16 instead of waiting 10 or 15 minutes.
 17 MR. GOODSTADT: Yeah.
 18 That's --
 19 THE VIDEOGRAPHER: This ends
 20 tape number six. The time is 5:29 p.m.
 21 We're going off the record.
 22 (A break was taken.)
 23 THE VIDEOGRAPHER: This begins
 24 tape number seven. The time is 5:37
 25 p.m. Back on the record.

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| <p>1 K. Lamm 2 Q. Now, Mr. Lamm, we were talking 3 about your conversation with Mr. Hesse in 4 June of 2005, do you recall that? 5 A. Yes. 6 Q. What else was said in this 7 conversation, other than what you've already 8 testified to? 9 A. When Hesse said that this is what 10 happened, he pointed to himself and said, "I 11 know what happened. This is what happened, 12 and I want you to read it." And I said, 13 "That's not what happened." And then I told 14 him what had happened. And I also told him 15 that Joe Loeffler was there at the -- at the 16 police station that stated it was an assault 17 second. 18 Q. Now you told him what happened 19 based upon what the alleged victims told you 20 what happened, correct? 21 A. Correct. And -- 22 Q. Yes or no, correct? 23 A. Yes. 24 Q. Okay. 25 A. And what Joe Loeffler said about</p> | <p>1 K. Lamm 2 A. I said, "How come they didn't 3 give us any statements?" 4 Q. How come who didn't give you any 5 statements? 6 A. The ones that were there that 7 gave statements. How come they didn't 8 cooperate with us. And also, I said, "How 9 come we don't have the Bosettis in here to 10 discuss this?" 11 Q. And what, if anything, did Hesse 12 say to you in response? 13 A. He said, "Gary Bosetti was wrong 14 for leaving the scene." 15 Q. And what, if anything, did you 16 say? 17 A. I said, "Well, how come we 18 weren't asked to appear in court for any of 19 this? And how come we weren't asked all 20 these months that have passed by to be part 21 of this investigation?" 22 Q. And what, if anything, did Hesse 23 say? 24 A. He said, "You weren't needed." 25 Q. I think we established that. So</p> |
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| <p>1 K. Lamm 2 it being an assault second. 3 MO MR. NOVIKOFF: Okay. Did you 4 tell -- well, I'm going to move to 5 strike everything other than the word 6 "yes." 7 MR. GOODSTADT: Okay. 8 Q. And other than -- after you told 9 Mr. Hesse what Mr. Loeffler said, what, if 10 anything, did Hesse say to you? 11 A. He said, "I want you to read this 12 folder." 13 Q. And what, if anything, did you 14 say to Hesse in response? 15 A. So I looked at it, and as I was 16 looking at it, I said, "These are just 17 statements written from your friends." 18 Q. What did Mr. Hesse say in 19 response to that? 20 A. He said -- 21 Q. If anything? 22 A. He said, "Well, that's what 23 happened. Those were the witnesses." 24 Q. And what, if anything, did you 25 say to Hesse?</p> | <p>1 K. Lamm 2 is there anything else that you said to 3 Hesse, other than what you've already 4 testified to? 5 A. No. I said, "that's not" -- I 6 said, "The way you're -- you're saying it, 7 that's not what happened." 8 Q. Okay. And you've said that. Now 9 is there anything else that you recall 10 saying to Hesse or Hesse saying to you, 11 other than what you've just testified to? 12 A. Hesse told me that after the 13 incident occurred, that Matt the plumber 14 took Gary Bosetti off the Island and drove 15 him to the Fire Island Lighthouse so he 16 could leave. 17 Q. Great. 18 A. In his own personal vehicle. 19 Q. What else, if anything, do you 20 recall being said between you and Hesse, 21 other than what you just testified to? 22 A. I believe that's all for now. 23 Q. How long was this phone 24 conversation with Hesse? 25 A. I was -- it was in person in the</p> |

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1 K. Lamm
2 police station.
3 Q. How long was this in person
4 conversation?
5 A. About 15 minutes.
6 Q. Was anyone else present with you?
7 A. Not with me. But John Cherry was
8 there.
9 Q. Okay. Anyone else, besides
10 Cherry, Chief -- well, Sergeant Hesse and
11 you?
12 A. That was it. That I'm aware of.
13 Q. Well, you would have been aware
14 of who was in the room, right?
15 A. I would have, yes.
16 Q. Okay.
17 A. But there could have been, you
18 know, somebody in the back room by the cells
19 that I didn't know was there.
20 Q. Okay. But in the room that you
21 were in, those were the only two people that
22 were present?
23 A. From what I seen.
24 Q. Okay. Did you have any other
25 communications with Mr. Hesse concerning the

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1 K. Lamm
2 Halloween incident after this June 2005
3 conversation?
4 A. I don't believe so.
5 Q. After this June 2005
6 conversation, did you ever have a
7 conversation with Chief Paridiso before
8 you -- before your last day of employment
9 concerning the Halloween incident?
10 A. I don't believe so.
11 Q. Did you ever advise Mayor
12 Rogers of your concerns regarding the
13 investigation after this June 2005
14 conversation with Hesse?
15 A. No.
16 Q. Did you ever advise Trustee
17 Loeffler of your concerns concerning this
18 2000 -- this investigation after your June
19 2005 conversation with Hesse?
20 A. No. He was there. He drove the
21 ambulance and saw it and stated it was an
22 assault second.
23 MO MR. NOVIKOFF: Yeah. Thanks.
24 You already said that. Motion to
25 strike after the word "no."

1 K. Lamm
2 Q. Have you spoken to Chief
3 Paridiso, you personally, concerning this
4 lawsuit?
5 A. No.
6 Q. Have you spoken to Chief Paridiso
7 concerning the fact that you say you were
8 terminated from employment?
9 A. No.
10 Q. Have you had any communications
11 with Chief Paridiso after April 2, 2006?
12 A. Yes, I have.
13 Q. What communications did you have
14 with him?
15 A. He needed a parking pass to park
16 his vehicle when he went away.
17 Q. Parking pass from whom?
18 A. For the airport to park.
19 Q. And did you provide it for him?
20 A. As a courtesy, the department
21 does that for people.
22 Q. I'm just asking you if you
23 provided it for him?
24 A. Yes. Not -- I didn't personally
25 hand it to him or anything, but, you know,

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1 K. Lamm
2 he was given his pass so he could park his
3 vehicle.
4 Q. Other than that interchange, did
5 you have any other communication with Chief
6 Paridiso after April 2, 2006?
7 A. Not that I can recall.
8 Q. And during this discussion
9 concerning the parking pass, did you discuss
10 any issues concerning this lawsuit?
11 A. No.
12 Q. Did you discuss any issues
13 concerning your termination?
14 A. No.
15 Q. Did you discuss any issues
16 concerning George Hesse?
17 A. No.
18 Q. Okay. And how long was this
19 conversation with Chief Paridiso?
20 A. It was short. Two, three
21 minutes.
22 Q. Okay. Did you ever post any
23 blogs on any site concerning Ocean Beach
24 after you were -- after your last day of
25 employment with Ocean Beach?

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| <p>1 K. Lamm 2 A. No, I did not. 3 Q. Have you ever posted a blog where 4 the issue concerning Ocean Beach was 5 discussed? 6 A. No. 7 Q. You understand when I say 8 "posting a blog"? 9 A. Yes, I understand when you say 10 posting a blog. I know things have been 11 posted of me. 12 Q. On what blog? 13 A. On Long Island Politics Blog, the 14 Schwartz Report. 15 Q. Okay. So my question is, have 16 you ever posted on The Schwartz Report, a 17 blog? 18 A. No, I have not. But from my 19 understanding, it was told to Tom Snyder 20 that members of the department and Tyree 21 Bacon were posting things about me on that 22 blog about my character. 23 Q. You happy? You done with your 24 answer? 25 A. That's my answer.</p> | <p>1 K. Lamm 2 background evaluation? 3 MR. GOODSTADT: Objection. 4 A. No. I think I may have submitted 5 the background paperwork first. 6 Q. And then you never got a response 7 in connection with the background check 8 because you had gotten a response in 9 connection with the evaluation? 10 A. Correct. 11 Q. Earlier I believe in connection 12 with your testimony regarding Mitch Burns, 13 you indicated that George Hesse had been 14 told to bring in the narcotics team, would 15 that be correct? 16 A. Yes. 17 Q. Who told George Hesse? 18 A. Myself and other members of the 19 department suggested that we should have a 20 narcotics team come into the village. 21 Q. Okay. And where would that 22 narcotics team come from? 23 A. Suffolk County. 24 Q. And when did this conversation -- 25 withdrawn. On how many occasions did you</p> |

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| <p>1 K. Lamm 2 officers? 3 A. Edward Carter. Tom Snyder. John 4 Oley. 5 Q. Okay. And how do you know this? 6 A. Because one -- one time speaking 7 to John -- John Oley, he told me he 8 suggested it to George, and talking with Tom 9 and Eddie, they had told me that they 10 suggested it as well. 11 Q. Okay. And when did Tom Snyder 12 tell you this? 13 A. Exactly the time frame, I don't 14 know the exact time frame. 15 Q. Can you tell me the year? 16 A. Around probably 2002. 17 Q. And how about Ed Carter, when did 18 he tell you? 19 A. Same time frame. 20 Q. And John Oley? 21 A. Somewhere in that same time 22 frame. Summer season 2002. 23 Q. And this -- did this suggestion 24 or suggestions to George Hesse, were they 25 verbal?</p> | <p>Page 357</p> <p>1 K. Lamm 2 A. That's something you'd have to 3 ask Frank Fiorillo as to exactly where he -- 4 he got him. 5 Q. Did you ever ask Officer Fiorillo 6 as to where he located Mr. Vankoot? 7 A. Yes. I'm sorry. I believe he 8 found him at his house. 9 Q. And when did you first learn 10 that? 11 A. Sometime later that night I 12 believe. After the incident was -- after 13 they were getting treatment. I -- I believe 14 that's when I found out. 15 Q. Do you mean later that morning? 16 A. Yes. 17 Q. From the point in time you and 18 the other officers received a call to go to 19 Houser's to the point in time you got to 20 Houser's, was there any conversation in the 21 vehicle? 22 A. I don't recall if there was 23 specific. 24 Q. And did you recognize -- you took 25 the first call, would that be correct?</p> |
| <p>Page 358</p> <p>1 K. Lamm 2 A. Yes. 3 Q. Okay. Did you ever memorialize 4 them in writing? 5 A. No. 6 Q. In regard to the Houser's 7 incident, did you ever see Brian Van -- an 8 individual you later learned to be Brian 9 Vankoot at Houser's when you first arrived 10 at the scene? 11 A. Did I see him there? 12 Q. Yes. 13 A. When I first arrive at the scene? 14 Q. Yes. 15 A. No, I -- I don't believe I did. 16 No. 17 Q. When was the first time that 18 morning you saw Brian Vankoot? 19 A. From -- from what I can recall, 20 is when Frank brought him into the police 21 station. 22 Q. Did you ever learn where 23 Mr. Vankoot was between the time of the 24 incident and the time Officer Fiorillo 25 brought him into the station?</p> | <p>Page 360</p> <p>1 K. Lamm 2 A. Yes. 3 Q. Did you recognize the voice on 4 the call? 5 A. No. 6 Q. Was it a male or -- male voice? 7 A. From what it appeared to sound 8 like, it -- it could have been a male voice. 9 Q. And back in 2004, how did the 10 phone system work? Earlier you indicated 11 that calls would bounce out from the station 12 house if it was set to do so, would that be 13 correct? 14 A. Yes. It's -- 15 Q. Was there an order of preference 16 on which -- withdrawn. Did each individual 17 officer back at this time have a cell phone 18 for business purposes? 19 A. No. It was just one cell phone. 20 It was the department's phone. 21 Q. Why did -- did you have the cell 22 phone for the first call? 23 A. It wasn't on my person. It was 24 in the middle of the vehicle and I answered 25 it.</p> |

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| <p>1 K. Lamm</p> <p>2 Q. Since April 2 of 2006, have you</p> <p>3 applied for any other employment, other than</p> <p>4 what you've testified to today?</p> <p>5 A. No, I --</p> <p>6 Q. And that would include non-law</p> <p>7 enforcement fields?</p> <p>8 A. No, I haven't.</p> <p>9 Q. During your employment with the</p> <p>10 Ocean Beach Police Department, how did you</p> <p>11 get to work?</p> <p>12 A. I'm sorry?</p> <p>13 Q. How did you get to work?</p> <p>14 A. To Ocean Beach?</p> <p>15 Q. To Ocean Beach.</p> <p>16 A. I drove to the lighthouse, and</p> <p>17 from the lighthouse, we would take a police</p> <p>18 vehicle and drive to Ocean Beach or a water</p> <p>19 taxi.</p> <p>20 Q. And when -- on those occasions</p> <p>21 when you took a police vehicle, was there a</p> <p>22 vehicle for use when you arrived at the</p> <p>23 lighthouse?</p> <p>24 A. Not all the time.</p> <p>25 Q. Would you make a call?</p> | <p>1 K. Lamm</p> <p>2 THE VIDEOGRAPHER: This</p> <p>3 completes today's deposition for Kevin</p> <p>4 Lamm on November 19, 2008. The time is</p> <p>5 5:55 p.m. and we are off the record.</p> <p>6 (TIME NOTED: 5:55 P.M.)</p> <p>7</p> <p>8</p> <p>9 KEVIN LAMM</p> <p>10</p> <p>11 Subscribed and sworn to</p> <p>12 before me this _____ day</p> <p>13 of _____ 2008.</p> <p>14</p> <p>15</p> <p>16 NOTARY PUBLIC</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> |
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| <p>1 K. Lamm</p> <p>2 A. Well, the shift coming out</p> <p>3 driving out, we would get the vehicle.</p> <p>4 Sometimes we would have to make the call</p> <p>5 because the vehicle wasn't there and --</p> <p>6 Q. Thank you. During -- during your</p> <p>7 employment at Ocean Beach, were there any</p> <p>8 occasions that on duty officers drove you to</p> <p>9 the lighthouse?</p> <p>10 A. So if they were already working a</p> <p>11 mid shift, they would come and pick me up</p> <p>12 and they would drop me off at the</p> <p>13 lighthouse. But as far as coming on duty, I</p> <p>14 don't believe there was.</p> <p>15 MR. CONNOLLY: Thank you. I</p> <p>16 have no further questions.</p> <p>17 MR. GOODSTADT: I have no</p> <p>18 questions. I just want to reserve</p> <p>19 Mr. Lamm's right to review and correct</p> <p>20 the transcript.</p> <p>21 (Continued on next page for</p> <p>22 jurat.)</p> <p>23</p> <p>24</p> <p>25</p> | <p>1 INDEX TO EXHIBITS</p> <p>2</p> <p>3 LAMM EXHIBIT PAGE</p> <p>4 1 Allegations of Official Misconduct. 244</p> <p>5</p> <p>6 I N D E X PAGE</p> <p>7 RQ(s)</p> <p>8 Production of all communications from</p> <p>9 the Suffolk County Police Department</p> <p>10 concerning Mr. Lamm's application. 24</p> <p>11 Production of letter from Civil Service</p> <p>12 advising Mr. Lamm of his failure. 37</p> <p>13</p> <p>14 MO (Pages) 35, 83, 127, 130, 133, 152, 156,</p> <p>15 162, 180, 182, 183, 205, 206, 229, 230, 231,</p> <p>16 232, 233, 234, 235, 243, 253, 257, 260, 261,</p> <p>17 262, 263, 269, 270, 274, 275, 290, 293, 296,</p> <p>18 309, 320, 331, 332, 334, 339, 346, 350, 354</p> <p>19</p> <p>20 EXAMINATION BY</p> <p>21 MR. NOVIKOFF: 5</p> <p>22 MR. CONNOLLY: 354</p> <p>23</p> <p>24</p> <p>25</p> |

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CERTIFICATION

5 I, Edward Leto, a Notary Public
6 in and for the State of New York, do hereby
7 certify:

8 THAT the witness(es) whose
9 testimony is herein before set forth, was
10 duly sworn by me; and

11 THAT the within transcript is a
12 true and accurate record of the testimony
13 given by said witness(es).

14 I further certify that I am not
15 related either by blood or marriage, to any
16 of the parties to this action; and

17 THAT I am in no way interested in
18 the outcome of this matter.

19 IN WITNESS WHEREOF, I have
20 hereunto set my hand this 7th day of
21 December, 2008.

22
23
24 -----
25 EDWARD LETO

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1
2 ERRATA SHEET

3 I wish to make the following changes,
4 for the following reasons:

5 PAGE LINE

6 _____CHANGE:_____

7 REASON:_____

8 _____CHANGE:_____

9 REASON:_____

10 _____CHANGE:_____

11 REASON:_____

12 _____CHANGE:_____

13 REASON:_____

14 _____CHANGE:_____

15 REASON:_____

16 _____CHANGE:_____

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24 _____CHANGE:_____

25 REASON:_____

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